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MAY 10, 1989

SPECIAL MEETING

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 10, 1989 at 1600 hours in a Special Meeting.

Commissioner Nelder presiding.

DOCUMENTS DEPT.

1. Medal of Valor Awards Ceremony

AUG 16 1989

AYES: Commissioners Medina, Nelder
ABSENT: Commissioners Giraudo, Lee

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COMMISSIONER NELDER: "Good evening ladies and gentlemen, this is one of the more pleasurable aspects of this job and we are delighted to see so many of you here to join us in honoring the officers that won these awards. To my right is Commissioner Jose Medina and my name is Al Nelder. And tonight we are going to recognize those officers that did just a little bit more than they are required to do. And the job is most difficult in the strictest sense and you will see when the Lieutenant reads out the cases as they come up that this job gets very difficult and I think all of us including all of the people of San Francisco should be proud of these officers who we are honoring tonight."

CHIEF OF POLICE FRANK JORDAN: "Yes, I would also like to compliment the police officers who went the extra mile or went beyond the call of duty and took a very difficult assignment and from my point of view you are tremendous role models to the other officers because in many cases as you will hear when the record is read, those of you who have not been here before, the officers are in very dangerous assignments, very risky and they did not have to go the extra measure to make a decision to help someone or to help another officer because many of them were involved where there were either knives or handguns or shotguns or saving someone in a fire or someone who was drowning and it is a tremendous sense of satisfaction to me as Chief of Police to see day in and day out the kind of service the professional service that the officers of the SFPD provide. And you are the ones here tonight being recognized and being honored who really make us all very, very proud and I am very, very proud to be here to be part of giving you the certificates which you so richly deserve and I want to compliment the families and wives and the mothers and the fathers and the children who are here because I know how important it is to have that support base and the fact that you appreciate the hard work that your husbands or your wives are doing in police work and I want to compliment you as well."

The following named officers were then given Medals of Valor Awards, Equivalent Stars, and/or Meritorious Conduct Award Certificates:

GOLD MEDAL OF VALOR

Police Officer Terry Cottonreader

SILVER MEDAL OF VALOR

Sergeant William Davenport
Police Officer Stephen Gough
Police Officer Tom P. Lee
Police Officer George Swartz

BRONZE MEDAL OF VALOR

Police Officer Joseph Buono
Police Officer Lawrence Birch
Police Officer Peter Dacre
Police Officer Thomas Heffernan
Police Officer Keith Lai
Police Officer James Lewis
Police Officer Joanne Lozenski
Police Officer Morris Tabak
Police Officer Robert Del Torre*
Police Officer Eugene Yoshii

MERITORIOUS CONDUCT AWARD

Inspector James Bergstrom
Inspector Samuel G. Hamilton
Inspector Raymond Hilvert
Inspector Eric Olsen
Inspector Robert Shepherd
Inspector Clifford Tawney
Police Officer Richard Alves
Police Officer James T. Deely
Police Officer William Langlois
Police Officer Samuel R. Osborne

*Two Bronze Medal of Valor

MAY 10, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, May 10, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

MAY 10, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 10, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 1, 1989

Approval of Minutes of Meeting of February 1, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 500-89

ELSDON JOHNSON vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Elsdon Johnson in the sum of \$8,000 in Superior Court No. 876-693 entitled "Elsdon Johnson vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Dates of Incident: October 1, 1988 and
October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 501-89

RAYMOND C. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond C. Brown in the sum of \$300.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 502-89

DALEGOR WLADYSLAW SUCHECKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dalegor Wladyslaw Suchecki in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 503-89

DAISY GIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daisy Gin in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 504-89

JANYNE ALTAFER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janyne Altaffer in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 505-89

LYNNE GREENE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynne Greene in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 506-89

PAUL VALLONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Vallone in the sum of \$140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 507-89

MELANIE PETERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie Peters in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 508-89

COLLEEN OLLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Colleen Ollin in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 17, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 509-89

SCOTT SLATKOVSKI

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of Scott Slatkovski in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 510-89

LEI FU HSUANG SHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lei Fu Hsuang Shen in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 511-89

CARLEEN VON EIKH GAMICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carleen Von Eikh Gamick in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 512-89

JOSE R. GUEVARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose R. Guevara in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 513-89

CARL T. VOSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carl T. Voss in the sum of \$102.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 514-89

CAROL A. ROONEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol A. Rooney in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 515-89

DELBYS M. RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Delbys M. Rodriguez in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 516-89

SHEILA NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila Ng in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 517-89

MICHELLE S. NEIVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle S. Neiva in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 518-89

RUTH MILLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Millen in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 519-89

THOMAS MOUNIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Mounian in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 539-89

CHUMPOL MARKPOL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chumpol Markpol in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 540-89

CARL L. SHORTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carl L. Shorter in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 23, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 541-89

LAWRENCE YUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Yuen in the sum of \$80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 542-89

MARK HOSKISSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Hoskisson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 543-89

THEODORE BOYA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theodore Boya in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 544-89

JUAN D. DIAZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juan D. Diaz in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 545-89

CONCEPTION ESPINOSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Conception Espinosa in the sum of \$70.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 546-89

BENNIE J. FOSTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bennie J. Foster in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 547-89

JOAN MICHLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Michlin in the sum of \$25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 520-89

HARVEY McKAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harvey McKay in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 521-89

JAMES McDONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James McDonnell in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 522-89

JOHN JOSEPH KEREKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Joseph Kerekas in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 523-89

DARIO GOYKOVICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dario Goykovich in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 524-89

JASON WERTZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jason Wertz in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 525-89

CO NGHI VAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Co Nghi Van in the sum of \$100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 526-89

S. PETER VORAMETSANTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of S. Peter Vorametsanti in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 527-89

NATALIE HOOGASIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Natalie Hoogasian in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 528-89

JIM BROUSTIS

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of Jim Broustis in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 529-89

LUIGI GALGLIONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luigi Galglione in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 530-89

MAHMOND ALI RAJI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mahmond Ali Raji in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 531-89

CHING NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ching Ng in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 532-89

RICHARD J. MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard J. Murphy in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 533-89

MARK D. MENDOZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark D. Mendoza in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 534-89

LINDA McFADDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda McFadden in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 535-89

TOSHIKAZU KUME

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Toshikazu Kume in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 536-89

EDMOND LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edmond Leung in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 17, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 537-89

CATHERINE M. LOYA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine M. Loya in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 538-89

RICHARD LUCAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Lucas in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this evening in an Executive Session on a Personnel Matter and no vote was taken. Commissioner Nelder said before the Commission moves off this subject he wanted to know from the Chief if there was a Probation time period for Patrol Specials and received a negative answer. He said he just wanted to mention it as he felt the Department should take a look at that and consider a probationary time for Patrol Specials and Assistant Patrol Specials. He said regular Police Officers and all Civil Service Employees have a Probationary Period and PSO's don't and he felt under the circumstance where they are armed and carry the same weight as a Peace Officer the Department should take a look at that. Commissioner Medina said he would support that if Commissioner Nelder was going to put it into a motion. Commissioner Nelder then said he would make the motion that the Department consider submitting a rule which would require Patrol Special Officers and Assistants to serve a Probationary Period before they become permanent fixtures.

Chief Jordan said the Department would be very happy to pursue that and that the Department has from time to time brought up issues of a variety of different things regarding Patrol Specials and the Department actually has a Manual that it would like

to present to the Commission for the Commission to take a look at and see not just what is spoken off in the motion but a lot of other things that might be streamlined and upgraded in terms of Patrol Specials and Assistants. The matter having been placed in the form of a motion by Commissioner Nelder and seconded by Commissioner Medina was unanimously approved.

(a) PUBLIC COMMENTS

Mr. John Crew, Attorney for the ACLU, said he just wanted to give the Commission a brief update on the policy of the Rights of Homelessness that the Commission passed seven (7) months ago. He said it really has turned into a model as it has been adopted by Berkeley on a pretty much word for word basis. He said his agency has gotten quite a few requests for it and the Mayor's Office has gotten requests from around the country. He said there was a Press Conference in Sacramento last week where this policy was treated very warmly and with great excitement. He said so it continues to really be a model that he thinks everyone should be very proud of. He said the other thing he would like to report on is that the Civil Rights Committee has also been working with the Department with great cooperation from the Academy Staff on putting together a brief training video on homeless issues and plans on that are going well. He said they wanted to publicly thank the Department for all of the cooperation on how well that is going. He said one issue of minor concern and he would characterize it as rumor at this stage. He said this weekend is the Black and White Ball and they had heard a rumor that Civic Center Plaza was going to be cordoned off. He said they checked with Park and Rec and there is no permit for that and he understand that the organizers don't have any particular plans and he just wanted to check to make sure that there is no special action contemplated or plans for dealing with lawful behavior by anybody homeless people or otherwise.

Chief Jordan said he could confirm that right now as the Department does not have any plans to cordone it off or move anybody out of Civic Center Plaza. He said if any homeless are there who might aggressively panhandle or cause some problems or obstructing the Department obviously would take some action but those who are there and not committing any crimes will not be removed at all.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items other than what is already on tonight's calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said they have one item and it has to do with the Member Response Form. He said they met formerly with the SFPOA and they requested from the OCC the right to submit a proposal for Member Response Form which would include an Advise for Rights. He said they have done so and brought it to the City Attorney and a couple of words were changed on it and they took it back to the SFPOA and now they are all in general agreement with it. He said Lieutenant Frazier has copies of it and he is asking that they be

distributed to the Commission. He said the one item he wanted to cover at this time is that there is a statement on the form that specifically authorizes a member to truly answer these questions while on duty and he wanted to be sure that the Chief approves of this.

Chief Jordan said the OCC would like to put this into effect and they would ask that some form of vote or Resolution be adopted by the Police Commission and then some kind of Information Bulletin be issued so that people could receive adequate notice so that when they receive this they don't think its in the same classification as the other members response forms which were not in this style. Commissioner Medina said he would make a motion to adopt the Member Response Form as presented by Mr. Langer, Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 597-89

OFFICE OF CITIZEN COMPLAINTS' "MEMBER RESPONSE FORM"

RESOLVED, that the Police Commission hereby adopts the Office of Citizen Complaints' "Member Response Form" which will be distributed through an Information Bulletin in order that sworn members would be able to receive adequate notice and clarification regarding the OCC Member Response Form.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 492-89

REQUEST BY SGT. DAVID ROBINSON, NARCOTICS DIVISION,
FOR ACCEPTANCE OF AN HONORARIUM IN THE AMOUNT OF
\$150.00

RESOLVED, that the request of Sergeant David Robinson, Narcotics Division, to accept an honorarium in the amount of \$150.00 from the National Conference on "Black Family and Crack Cocaine: Prevention, Treatment and Recovery" for his preparation and participation on April 11, 1989 to April 14, 1989 at the National Conference is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 493-89

APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$26,000 TO FUND A HARD MATCH SO THAT SENIOR ESCORT PROGRAM MAY QUALIFY FOR AN OFFICE OF CRIMINAL JUSTICE PLANNING GRANT

WHEREAS, the Chief of Police has requested approval of a Supplemental Appropriation in the amount of \$26,000 to fund a hard match so that the Senior Escort Program may qualify for an Office of Criminal Justice Planning Grant; therefore be it

RESOLVED, the Police Commission hereby approves a request for the reappropriation of \$26,000 in surplus salary funds for a hard match so that the Senior Escort Program may qualify for an Office of Criminal Justice Planning grant in the amount of \$124,304 for an Escort Patrol Project.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 494-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO ROBERT H. FEGER

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Robert H. Feger appeared at a Public Convenience and Necessity hearing held on Wednesday, May 10, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, May 10, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Robert H. Feger appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Robert H. Feger.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 495-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO JOHN W. KELLY

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, John W. Kelly appeared at a Public Convenience and Necessity hearing held on Wednesday, May 10, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, May 10, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that John W. Kelly appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John W. Kelly.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

PROPOSED RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF LEGISLATION AMENDING THE POLICE CODE TO PROVIDE FOR AN INCREASE IN POLICE PERMIT FEES AND FOR THE CREATION OF SEPARATE FILING AND LICENSE FEE SCHEDULES FOR MOTOR VEHICLES FOR HIRE TO BE KNOWN AS SECTION 2.26.1 AND 2.27.1

Captain Greg Winters from Support Services Division presented this item to the Commission. He said at the beginning of this year the Board of Supervisors extensively revised the Taxicab Regulation Ordinances and then provided for, essentially, a Taxicab Enforcement Fund to support financially all operations to regulate, administer and enforce the Taxicab Ordinance. He said these fees are based on a Taxicab Detail consisting of five (5) sworn personnel and eight (8) non-sworn personnel that will take care of inspections, complaint reception and investigation and on street enforcement. He said the balance between operations and personnel is 60/40 so it is efficient. He said they leaned heavily on civilian classifications in order to reduce organization personnel cost. He said in fact it will achieve quite a bit of savings over what an all sworn organization would be. Commissioner Nelder said he would move approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 496-89

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION ADOPT A RESOLUTION RECOMMENDING ADOPTION OF LEGISLATION AMENDING SECTIONS 2.26 and 2.27 OF THE MUNICIPAL POLICE CODE BY REMOVING MOTOR VEHICLE FOR HIRE PERMITS AND LICENSE FEES

WHEREAS, the Motor Vehicle for Hire fees in Sections 2.26 and 2.27 of the Municipal Police Code should be removed from Sections 2.26 and 2.27 and two new sections be established 2.26.1 and 2.27.1, and

WHEREAS, under Section 2.26 of the Municipal Police Code the Police Department is the authority for the collection of application fees for regulated activities found within Section 2.26, and

WHEREAS, the expenses incurred by the San Francisco Police Department and other city agencies in issuing, regulating and inspecting police permits have increased since the 1986 overall fee amendment to the permit fees; therefore be it

RESOLVED, that the attached proposed Ordinance amending Sections 2.26 and 2.27 of the Municipal Police Code establishing revised filing fees and deleting filing and license fees for Motor Vehicles for Hire is hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Captain Winters said that so the record is clear Section 2.26 is an amendment and raising of General Business Permit and License Fees. He said the Department went without any increase at all last year as the legislation failed to pass at the Board of Supervisors. He said these new fees reflect accurately the cost of regulation as required under Charter Section 6.402. Commissioner Nelder said he would make a motion for approval. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 497-89

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION ADOPT A RESOLUTION RECOMMENDING CREATION OF A SEPARATE FILING AND LICENSE FEE SCHEDULE FOR MOTOR VEHICLES FOR HIRE TO BE KNOWN AS SECTION 2.26.1 AND 2.27.1

WHEREAS, the Board of Supervisors adopted Ordinance 562-88 amending Article 16 of the Municipal Police Code establishing a Motor Vehicle for Hire Enforcement Fund and that the fund is to be funded by permit and license fees from the Motor Vehicle for Hire industry, and

WHEREAS, a need exists for sections to accommodate these new fees; and

WHEREAS, the Permit Section and Taxicab Section have proposed and submitted a schedule of fee revisions and the creation of Section 2.26.1 and 2.27.1; therefore be it

RESOLVED, that the attached proposed Ordinance adding Sections 2.26.1 and 2.27.1 of the Municipal Police Code establishing separate fee schedules for Motor Vehicles for Hire is hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 498-89

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR CLIFFORD A. TAWNEY, INVESTIGATIONS BUREAU - ROBBERY DETAIL

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Clifford A. Tawney, Investigations Bureau - Robbery Detail, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Ray Roberts, Attorney at Law representing Inspector Clifford A. Tawney, that the date for the hearing of disciplinary charges filed against Inspector Clifford A. Tawney be set for July 26, 1989; therefore be it

RESOLVED, that the date for the hearing of Inspector Clifford A. Tawney is set for Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 491-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER RICHARD E. PATE, RECORDS DIVISION -
TECHNICAL SERVICES

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Richard E. Pate, Records Division - Technical Services, as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violating of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Richard E. Pate, is scheduled for Wednesday, May 17, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE OFFICER MANUEL F. ROBLETO, POTRERO
STATION

The hearing of the disciplinary charges filed against Police Officer Manuel F. Robleto, Potrero Station, was called it having been set for this date. Officer Manuel F. Robleto was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Manuel F. Robleto appeared in person and was represented by Ms. Katherine Feinstein, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash requested Specification No. 4 be withdrawn on behalf of the Police Department.

Ms. Feinstein made a plea of guilty on behalf of Officer Manuel Robleto.

Commissioner Nelder made a motion to accept withdrawal of Specification No. 4 and to accept the plea of guilty by Officer Robleto and was unanimously approved and accepted by the Commission.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant Michael Gerald, Management Control Division

The following witness was called by the Defense, was sworn and testified:

Officer Manuel F. Robleto, Potrero Station

Closing statements were not made by Prosecuting nor Defense Attorneys.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Manuel F. Robleto be suspended for 45 days.

The Commission took the matter under submission recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 499-89

DECISION - HEARING OF POLICE OFFICER MANUEL F. ROBLETTO, POTRERO STATION

WHEREAS, on February 8, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Manuel F. Robleto, and

WHEREAS, the Commission having heard the matter makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Manuel F. Robleto, Star No. 383 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to the Patrol Division - Potrero Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about September 27, 1988, at approximately 1010 hours, Officer Keith Singer, Star No. 1384, and Officer James Selby, Star No. 1632, observed the accused driving his vehicle with an expired 1987 registration tab on his license plate. A registration check indicated that the vehicle was registered to the accused and that the registration had expired in 1983.
- (4) From about April 4, 1983 until about June 13, 1988, the accused's vehicle with California License Plate No. 1EFP343 received several traffic citations.
- (5) From about April 4, 1983 until about October 6, 1988, the accused failed to pay the traffic fines for the traffic violations which were accumulated to the accused's vehicle. The traffic fines were approximately \$308.00.
- (6) The accused, by failing to pay the traffic fines for traffic citations which were accumulated by a vehicle registered to him, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein:
- (8) On or about September 27, 1988, Officer Keith Singer, Star No. 1384, observed that the accused's vehicle with license plate

No. 1EFP343 had attached to the license plate a 1987 California license tab number U3787977. A computer check indicated that the accused's vehicle registration had expired in February 1983.

- (9) The Department of Motor Vehicle records indicate that 1987 vehicle license tab number U3787977 was issued to a vehicle owned by the accused's wife.
- (10) During or about February 1987, the accused removed vehicle license tab number U3787977 from his wife's vehicle and attached it to the license plate of his vehicle.
- (11) From about February 1983 until about October 6, 1988, the accused did not pay the fees to register his private vehicle, as required by the California Vehicle Code;
- (12) During 1988, the accused displayed a California vehicle license tab which was not issued to him on his vehicle for the purposes of circumventing the California Vehicle Code registration requirements;
- (13) The accused, by failing to register his private vehicle since February 1983, by obtaining a California vehicle license tab which was not issued to him; by displaying a California vehicle license tab on his unregistered vehicle; and by displaying a California vehicle license tab on his unregistered vehicle for the purposes of circumventing the California Vehicle registration requirement, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (14) The allegations contained in paragraphs (1) through (6) of Specification No. 1, and paragraphs (7) through (13) of Specification No. 2 are hereby incorporated by reference as if fully set forth herein;
- (15) Between February 1983 and October 6, 1988, the accused knowingly operated his private vehicle without a valid vehicle registration;

- (16) The California Vehicle Code makes it unlawful for any person to operate a vehicle which is not registered;
- (17) The accused, by knowingly operating his private vehicle from February 1982 until October 1988 without a valid registration, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

SPECIFICATION NO. 4

- [illegible]

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MAY 17, 1989

MINUTES
CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, May 17, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Lee, Medina, Nelder

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MAY 17, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 17, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 8, 1989

Approval of Minutes of Meeting of February 8, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County:

RESOLUTION NO. 557-89

LAUTON RENEE TRUMBO vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Lauton Renee Trumbo in the sum of \$12,500.00 in U.S. District Court No. C87-6118 MHP entitled "Lauton Renee Trumbo vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 5, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 558-89

AUTO HOME INSURANCE MART (JOHN TAYLOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Auto Home Insurance Mart (Ins: John Taylor) in the sum of \$934.90 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 21, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session in a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John Wahl, Stonewall Gay Democratic Club, said for the Commission's information if the Commission doesn't know it already, one of this City's outstanding citizen died on May 12th and he happened to be a Police Chaplain, the Reverend James Sandmire, and he wanted to let the Commission know that.

Commissioner Giraudo thanked Mr. Wahl very much and said the Commission would adjourn the meeting this evening in memory of the late Reverend James Sandmire.

Mr. Lester Armstead Rose, CUAU, said he was checking regarding the General Order on Crowd Control. He said the reason he was here was just to ask for a clarification. He then refreshed the Commission's memory by going over a little history in stating that in November he and others brought forth proposals, the Commission voted in January to approve the concept of Crowd Control Order which they began to work on and was completed by February and their understanding is that the SFPOA has signed off on the Crowd Control Order that they worked on. He said it was their understanding also that the Commission wanted to approve the Crowd Control Order as soon as possible and what they are getting from the Department is that the Commission wanted the Training Manual to be completed with it also and so it seems apparently it has not been placed on the agenda and they, NLG, ACLU and CUAU, are concerned, at the very least, that the General Order be, in fact, approved as soon as possible. He said its ready for it, it has gone through all of the processes and he just wanted to raise that issue and get some clarification.

Deputy Chief Willis Casey, in responding, said the General Order has been completed. He said the Administration has had a Meet and Confer with the SFPOA and it is ready to go and they were going to wait until the Training Manual which would accompany it was ready and then issue them both at the same time. He said the Training Manual would be ready in a rough draft tomorrow and so it would be a month before they both would be ready.

Commissioner Giraudo then asked if the Department could have the General Order calendared for next week in other words have it disseminated to the Commissioners prior to next week's meeting so that the Commission could take a look at it to see and make a judgement with respect to the wisdom of having a policy in place without the Department having the backup they feel they need to enforce the policy. He said the Commission could make that judgement collectively after they have read it.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had two (2) items he would like to bring to the attention of the Commission. One, he said there was an article in

the paper this morning about the Officer Dan Marr case. He said this is the Pancake House incident that is being investigated by Management Control and the Office of Citizen Complaints. He said it stated that the Office of Citizen Complaints has sustained the charges and that they would be forthcoming to the Chief in the near future, as he understands it, and that is true he will probably be receiving them sometime next week. He said, however, it also states that the reporter interviewed Officer Dan Marr who stated that somehow he had information that the Management Control Division stated it was insufficient evidence and the case was closed and he was going to be cleared. The Chief said that is the farthest thing from the truth that those are not the true facts at all. He said there is, at this point, insufficient evidence because the case is still open and will be maintaining an open position because the Department has not interviewed everybody it would like to interview and he is personally anxiously waiting for the OCC investigation so he can see exactly what their sustained charges are and that there might be some of the answers in the areas that the Department doesn't have in its own investigation that might shed some light on theirs as well. He said but he can assure the Commission that Management Control Division case is not closed that it is open and will continue to be open because it is incomplete in Management Control and he really feels that at this point there was erroneous information that was probably stated by Dan Marr in the paper.

Commissioner Nelder, in questioning the Chief, asked if the Chief had said he was waiting for the report? Chief Jordan said that he was waiting for the OCC report and that he has been advised by the Director, Mike Langer, that the case is completed but there is a time frame a normal time frame of 10 days where once it is sustained everybody involved has access. He said those who are involved in it receive a notification and they then have a chance to make whatever counter comments they want to the OCC and after the 10 day period, the case will be presented to him. Mr. Langer, Director of OCC, said the case was completed, the letter went out last week and he then notified the Chief last Thursday. He said the OCC is bound to keep the investigation for 10 working days and they anticipate getting it to the Chief in the next week and a half or so.

Mr. John Crew, ACLU, said he would like to make a brief comment and it goes back to last August when they had a discussion about simultaneous investigations. He said he was personally very concerned that this process is not worked out as to how the Management Control Division Investigation relates to the OCC if they are looking into the same thing. He said he was not sure if it could be worked out for this case but his one concern is, as he was hearing it described, that the OCC investigation would then become essentially part of the evidence that Management Control uses in reaching their conclusions. He said he did not know if that was appropriate.

Commissioner Giraudo advised Mr. Crew that what the Chief said was that the Chief gets the OCC report and the Management Control report and he fills the holes that one or the other may have.

Chief Jordan said that would be part of it but the problem he has is that many of the Management Control Cases, once it is known that there is a concurrent case going with the OCC, sometimes many citizens will not talk to Management Control and the Department needs that vital evidence. He said in this particular case he believes that all of the citizens did talk to the OCC so that is why their case, Management Control Division, right now is incomplete, they don't have some holes filled and they know that the OCC has filled theirs.

Commissioner Giraudo then said to the Chief that in getting to what Mr. Crew is seeking if the Chief receive the OCC complaint and it sustains the case and they have interviewed 20 citizens that did not talk to Management Control, does that mean that you then go out and interview those 20 citizens vis a vis Management Control or do you simply rely on the OCC investigation.

Chief Jordan said no in this particular case if he is satisfied that the Management Control Division has all of the evidence it needs and all of the statements are there and the sustained charges are verifiable he would go with the OCC's sustained charges.

Mr. Crew said that partially answers it but as he understands it the Management Control Division investigation in part is being held open pending seeing whether OCC has come up with it. He said he felt the Chief was right, citizens do go to the OCC which kind of gets back to the whole point for the reason there is an OCC, partially, greater independence some people will feel more comfortable. He said what he would like, there are now two high profile cases where this situation has come up, is perhaps now that we should have that meeting again to try to figure out a process.

Commissioner Giraudo said he would be more than happy to have that meeting again and he would look forward to having that meeting and he thinks that the Mayor would also like to join in on that meeting because he had been encouraging him to have such a meeting as well as the other issues that is being brought up over the last six months with respect to conflicting conclusions and what can or cannot be done in the future. He said they keep looking at Administrative vs. Charter Amendment but I am not sure what the conclusion is or what it is going to be.

Mr. Crew said it may be two different meetings, one is what happens if you have competing conclusions and the other is the process itself if both agencies should be investigating, if so how, how would they not step on toes.

Commissioner Giraudo said Mr. Crew was right that they had started that process and in the middle of it they got sidetracked with those simultaneous investigations. He told Mr. Crew if he would call the time he would be happy to set it up with any Commissioners that want to sit in with the Chief and his Staff.

Chief Jordan then said the second item is the one dealing with the Press release that he put out yesterday and that is with Officer Frank Achim of the Tactical Unit and the issue now of possibly of finding one page missing from his PIP folder which

is the Performance Improvement Program file that is kept on every police officer in each unit in the Police Department. He said as he understands it ironically, this all came about as a grievance that was filed by Officer Frank Achim and he felt at that time that he was grieving the fact that he was asked by some of his supervisors at the time to possibly, for the benefit of the Department, and for himself and for the Tactical Unit, maybe he has gone through an awful lot of stress as the Tactical Unit has gone through a lot of evaluations here in the last six or seven months, that it might be best if he would like to voluntarily go to another specialized assignment it might be better for him in the long run and the whole Department as well. And apparently, the Chief said, for whatever reasons, he took exceptions to it and as a result of this there was some comment made about a PIP Binder and one item one page taken out of the Binder by one of the Supervisors as he understands and he has seen it and that it is unrelated to the Dolores Huerta incident but it is one that still now poses some questions because of the fact that when was it taken out, why was it taken out and who gave the authority to do so. He said that is why he has asked Management Control to conduct a full investigation and not only this once they were downstairs with Management Control Division to ask about this alleged missing page, the Supervisors immediately produced it stating that they had it right there in another file and that they were not deceiving anyone, they were not hiding it but they did have it and they felt it was something that they had every right to pull out because it was unrelated to the case and Management Control Division will evaluate this in the next few days. The Chief said however, at that point, the Administration felt that since the District Attorney Arlo Smith was involved in this process through the request of a Criminal Grand Jury, the Department went to him and told him exactly what they had at that point as well and through further discussion with him in his office and then further in the Chief's office he knew all of the facts of this case. The Chief said this is something that they in the SFPD initiated, brought forth, and are continuing to aggressively pursue. He said their concern at this point is that they need to know some facts because the perception out there now versus the reality is very critical because the Department has gone through a seven month high profile case here in the Tactical Unit regarding Dolores Huerta and that they know there has been a great deal of soul searching there has been evidence and reports seen, there has been open hearings here in the Police Commission and the Board of Supervisors and the Department wants to be sure that there is no credibility gap in terms of the citizens of SF so as a direct result of this one situation now of a one page taken out of a PIP folder we are going to find out exactly what the facts are and we are going to bring them forward here to the Police Commission. He said if it is sustained it will come before the Police Commission if it not sustained it will still come before the Police Commission because to him he thinks it is very, very important that the public's confidence in the police department demands this full disclosure. He said the Department really needs to let everyone know exactly what happened and why.

Commissioner Giraudo said the perception versus the reality is something he is not able to make a judgement about at this point and time. He said but one thing that he can make a judgement about is the credibility of this Commission and Chief Jordan as Chief of Police and the Mayor as Mayor of San Francisco. He said he was bound and determined that whatever this is will be held in open public hearing with respect to this particular document. But obviously, he said, we are going to have to seek again, yet another City Attorney's Opinion with respect to this because it was something that was in a Personnel File. He said he did not know the legalities of what can or cannot be disclosed publicly about what is or is not in a Personnel File. But, he said, he would hope when the Chief completes the investigation that he will bring it back to the Commission with his conclusion and simultaneously he wanted to seek the advice of the City Attorney with respect as to what this Commission can or cannot do within the Public Forum with respect to what the Chief's conclusion is. He said he did not believe that the Commission can afford at this point and time to simply say it was unrelated. He said he thinks that this Commission has to be able to review that page or document or documents or whatever it is comprised of. He said he will commend the Chief and his Staff for having brought this out themselves, for bringing it to the District Attorney's attention and he said, he therefore believes there is integrity in the process but he did believe because the Commission's credibility is on the line that they too have to review that document at some point and he would like to get that opinion from the City Attorney.

Commissioner Medina asked the Chief as to when the Chief expected to conclude his investigation?

Chief Jordan said one supervisor was interviewed today and he believes two more will be tomorrow. He said he hoped at least by Monday or Tuesday but he hoped he would be able to make a presentation right here at the Police Commission next Wednesday night. He said they wanted to expedite this whole process.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said he had two items, and one was a letter that has to do with the OCC Outreach Program. He said this letter requires the signature of both the President of the Police Commission as well as himself and he would ask the Commission to review it and then a signed copy could be distributed. He said secondly he asked the Commission several weeks ago for a list of any of the agencies the Commission might want the OCC to contact for Outreach Program and to this date he has received none so what he has done is supplied the Commission with a list of 35 names and ask that they now take a look at them and if there are any other agencies the Commission would like for the OCC to contact to let them know. He said, this is an open ended process and the OCC will begin the process this week. He said it will be an on going process. He said he would also like to report that the OCC Staff have attended seven or eight community meetings this quarter. He said also on Mr. Crew's matter of simultaneous investigations, they would ask that they also be included in those meetings.

PROPOSED AMENDMENT TO THE AWARDS COMMITTEE
RECOMMENDATIONS OF APRIL 19, 1989

Commissioner Lee, in addressing this matter, said that after studying the application in one of the Recommendations for Awards that three Officers who received Bronze Medals of Valor should be upgraded to Silver Medals of Valor. He said he would therefore make a motion to that effect for Police Officer Thomas Heffernan, Keith Lai, and Bob Del Torre to be upgraded to Silver Medals of Valor. Commissioner Nelder said he would second that motion on the basis of a report submitted by Captain Kenneth Foss of Southern Police Station who is one of their Supervisorial Officers. He said the Captain's investigation showed that the three were deserving of the Medal of Valor Awards as recommended. The motion was then unanimously approved.

RESOLUTION NO. 551-89 (AMENDMENT TO RESOLUTION NO.
431-89)

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, April 14, 1989; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Terry Cottonreader is hereby awarded the Gold Medal of Valor and granted a reward of \$500.00 as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant William Davenport, *Officer Robert Del Torre, Officer Stephen Gough, *Officer Thomas Heffernan, *Officer Keith Lai, Officer Tom P. Lee and Officer George Swartz, be, and they are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Joseph Buono, Officer Lawrence Birch, Officer Peter Dacre, Officer James Lewis, Officer Joanne Lozenski, Officer Morris Tabak, Officer Robert Del Torre and Officer Eugene Yoshii, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector James Bergstrom, Inspector Samuel G. Hamilton, Inspector Raymond Hilvert, Inspector Eric Olsen, Inspector Robert Shepherd, Inspector Clifford Tawney, Officer Richard Alves, Officer James T. Deely, Officer Raymond Kilroy, Officer William Langlois and Officer Samuel R. Osbourne, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

*Bronze Medals upgraded to Silver Medals

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL
OF REVISED RECORDS DESTRUCTION SCHEDULE

Captain Walter Cullop, addressing this item, said last November the Board of Supervisors passed a new records destruction ordinance which transferred the authority for records destruction setting of schedules from them by Ordinance to Boards and Commissions that are in charge of Departments and Department Heads. He said anything five years or more may be approved for destruction by the Department Head, anything that the Department would like to destroy prior to five years must be approved by the Commission. He said so what the Department has in front of the Commission today is the original package which has a list of all of the documents of all of the forms and items in the SFPD and approved time in which the Department would be able to destroy them. It, he said, is certainly not mandatory that they be destroyed at that time but merely that they would not be destroyed before that time. Commissioner Nelder said he would make a motion for approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 552-89

APPROVAL OF REVISED RECORDS DESTRUCTION SCHEDULE

RESOLVED, that the Police Commission hereby approves the Revised Records Destruction Schedule.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 553-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT T-0276 HELD BY GEORGE C. HALEY, JR.

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0276 issued to George C. Haley, Jr. was called, it having been set for this date; and

WHEREAS, the death of Mr. Haley has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0276 issued to George C. Haley, Jr.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 554-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER
RICHARD E. PATE, RECORDS DIVISION - TECHNICAL
SERVICES

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Richard E. Pate, Records Division - Technical Services, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Richard E. Pate be set for June 21, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Richard E. Pate is set for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 555-89

REQUEST FOR A HEARING ON APPEAL OF CHIEF'S
SUSPENSION IMPOSED ON OFFICER FREDERICK SCHIFF,
MISSION STATION

WHEREAS, request was received from Officer Frederick Schiff, Mission Station, for a Police Commission hearing on the appeal of his two-day suspension imposed on him by the Chief of Police; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Police Officer Frederick Schiff, Mission Station, is set for Wednesday, June 14, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE
INSPECTORS FRANK C. MCCOY, MARVIN V. DEAN, WILLIAM
F. KIDD AND ANTONIO L. CASILLAS

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas, was called it having been scheduled for this date; and

WHEREAS, on orders of Judge Ira Brown, Superior Court, City and County of San Francisco, the hearing was continued for one week; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd, and Antonio L. Casillas, is continued to Wednesday May 24, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 548-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER EMILY R. FIELDS, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Emily R. Fields, Ingleside Station, as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-2 of General Order B-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Emily R. Fields is scheduled for Wednesday, May 24, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 549-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PHILIP J. LEE, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Philip J. Lee, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Philip J. Lee is scheduled for Wednesday, May 24, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 550-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Denis P. Joyce, Northern Station, as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the

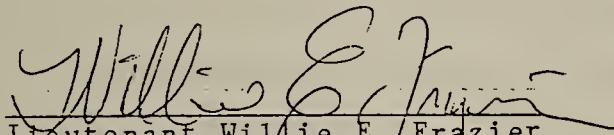
department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Denis P. Joyce is scheduled for Wednesday, May 24, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

The Commission, thereafter, observed a moment of silence in memory of the late Reverend Sandmire, SFPD Chaplain and adjourned at 6:24 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4941M

Minutes
MAY 24, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, May 24, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

AUG 30 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

SAN FRANCISCO
PUBLIC LIBRARY

MAY 24, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 24, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 15, 1989

Approval of Minutes of Meeting of February 15, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 565-89

BARRY ADRIAN JOHNSON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barry Adrian Johnson in the sum of \$12,000.00 in U.S. District No. C-88-1849 RHS entitled "Barry Adrian Johnson vs. City and County of San Francisco" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 13, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 566-89

ISOM PERRY, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Isom Perry and James Garrett in the sum of \$1,500 in Superior Court No. 832-793 entitled "Isom Perry and James

Garrett vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 567-89

MARK ANTHONY BRAVO vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Anthony Bravo in the sum of \$1,250.00 in U.S. District Court No. C88-1158 entitled "Mark Anthony Bravo vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 16, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 568-89

BRUCE L. BERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce L. Berry in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 569-89

VALENCIA BROS.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valencia Bros. in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 570-89

HARLEY SHAPIRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harley Shapiro in the sum of \$190.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 571-89

KELLE DENISE JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kelle Denise Jackson in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 572-89

EMIL MILAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emil Miland in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 573-89

DONNA. R. WESTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna R. Weston in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this evening in Executive Session on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

A gentleman identifying himself as Emperor Arcadia addressed the Commission and said that he works under a flag of truce and for the last twenty (20) years the banner of the General Assembly of the United Nations. He said he had come to make some complaints against the Office of Citizen Complaints. He said also he had been carrying a whip and handcuffs and sword for twenty years and he had just had those items taken away from him at the front door. He said the OCC is doing a lousy job on his complaints and he would like to become the Commission's ombudsman and may be the OCC's overseer, not for himself, but for a lot of other things that are going wrong.

Mr. Michael Langer in responding to Commissioner Giraudo's query if the complaints had been filed, Mr. Langer said the first one was not sustained. He said the second one revealed it was against a civilian employee of the SFPD and they notified the complainant civilian employees did not fall within

the OCC's jurisdiction and referred him to Management Control. Commissioner Giraudo said since no one is here tonight from Management Control he asked the Chief to see if someone took the complaint and to see if there is an issue.

Mr. Ed Hall then came forth and asked about the item that was last week's agenda which was an increase in permit fees for taxi cabs. He said the following day he spoke to people in the Permit Department and asked for a copy and was told that he would have to ask for it through the Legal Department via the Freedom of Information Act.

Commissioner Giraudo said it was submitted to the Commission and it is a matter of public record. He advised Mr. Hall that Lieutenant Frazier would be happy to make it available to him tomorrow.

Mr. David Schneider of the United Taxicab Workers said with respect to item 9 on the calendar, will there be an opportunity to comment on that? Commissioner Giraudo advised that the Commission has held a series of PC&N Hearings on that issue and he will be making an announcement which he would do now and that is the Commission has been requested by the Deputy Mayor for Planning and Mayor Art Agnos to continue the item this evening because the Commission is deposed or seems to be disposed to granting some new permits. He said there is some concern pursuant to the 1986 Report and the recent hearings with respect to implementation and enforcement of Rules and Regulations that need to be put in place before any new permits are given out. He said so the Commission will know tomorrow after the Deputy Mayor for Planning and the Mayor and the individual who will conduct a study for the Mayor's Office, hopefully, in short order, as to when the Commission will be able to go forth with the final decision of the Commission with respect to PC&N. He said they will announce that next week.

Mr. Leo Ruiz then came forth and said he would like to request that the Commission ask the OCC to reopen his case. He said his associate, Mr. Bob O'Brien, and himself were handing out flyers at the SF Zoo regarding the Zoo and shortly thereafter, an officer approached them and he momentarily asked what they were doing and then immediately went to his friend's bag and pulled out his wallet and took out his ID card. He said at that time he (Ruiz) took out a little blue card that he had been given by the ACLU and gave it to his associate here explaining his rights. Mr. Ruiz said the officer then threatened to arrest Mr. Ruiz citing Section 148 of the California Penal Code. Mr. Ruiz said he didn't do anything wrong and the officer threatened to arrest him and he also asked Mr. Ruiz to produce ID which he did on his own volition. Mr. Ruiz said the officer then said that Mr. Ruiz was this far from getting arrested and also said that he would go to Mr. Ruiz' place of employment and show him how police power works. He said he understands that the Department's General Order D-6 is specifically set up for this situation and that he had gone through the process with OCC and they claim that the officer was within his proper jurisdiction saying it was proper conduct. Mr. Ruiz said he did not see as to how this could be proper conduct when the officer threatened to arrest him. He said this incident took place in October of 1987 and it has taken this long to come to a conclusion. Mr. Ruiz said he also had a witness in Mr. O'Brien.

After further discussion, Commissioner Giraudo said the Commission was not in a position to make a decision this evening and for Mr. Silva to interview Mr. Ruiz' witness, Mr. O'Brien, at the OCC's Office and report back to the Commission next week on the results.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said that last week, as part of his report to the Commission, he discussed the issue of Officer Frank Achim pertaining to his grievance that he filed regarding the possibility of his being transferred from the Tactical Unit. He said he mentioned that he would give the Commission an update in terms of any investigation that was on going from Management Control one week later which is tonight. He said he has received a Status Report from Management Control Division regarding the investigation into the removal of a page from Officer Frank Achim's PIP folder, as the Commission knows that it is known as the Performance Improvement Program File and the investigation is still on going. He said, however, as of this date it appears charges will be forth coming before this Commission regarding this specific incident. He said since it is going to come before the Commission, there will be no further report tonight. He said, however, the Commission will be receiving the charges as the conclusion of this Management Control Case finishes.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director, said that he had two (2) items, and one is that Lieutenant Frazier has a copy of the first quarter OCC Statistics for 1989 and he would ask that the Commission review them and if they have questions to ask them at next week's meeting. He said and also the Pro Bono Hearing Coordinator has asked him to request of the Commission that June 7, Pro Bono Hearings be calendared for the Commission's perusal.

RESOLUTION NO. 561-89

TAXICAB PUBLIC CONVENIENCE AND NECESSITY STATUS REPORT

WHEREAS, a status report on the Taxicab Public Convenience and Necessity was called, it having been set for this date; and

WHEREAS, the matter has been continued until such time as the Mayor's Office, in conjunction with Deputy Mayor Douglas Wright, conducts a study of the Taxi Industry and submits a written report on its findings to the Police Department; therefore be it

RESOLVED, that the Taxicab Public Convenience and Necessity Status Report will be resumed following the completion and receipt of the study of the Taxi Industry Report from the Mayor's Office.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 562-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER EMILY
R. FIELDS, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Emily R. Fields be set for June 14, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Emily R. Fields is set for Wednesday, June 14, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 563-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER PHILIP
J. LEE, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Philip J. Lee, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Philip J. Lee be set for August 2, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Philip J. Lee is set for Wednesday, August 2, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 564-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER DENIS
P. JOYCE, NORTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Denis P. Joyce be set for June 14, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Denis P. Joyce is set for Wednesday, June 14, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 559-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER LUIS W. HAMILTON, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Luis W. Hamilton, Ingleside Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Luis W. Hamilton is scheduled for Wednesday, May 31, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER F-5,
"CROWD CONTROL"

Deputy Chief Willis Casey said as the Commission remembers last week the question of the General Order on Crowd Control Policy came up and it was requested that the Department prepare the Order for tonight's calendar for Public Hearing and to address Mr. Crew's concerns.

Mr. Lester Almstead Rose, CUAU, said that he was hoping that the Commission will move forward on this Order as he said last week. He said he knows that the issue was raised about putting it off until the Training Manual was completed, however, he said he believed that this is once again a policy to get the process going. He said the Order that is in front of the Commission should really be viewed as a beginning to policy changes. He said he thinks the Chief's initial 12 points and this General Order go along way in an important first step and has been touted as giving San Francisco the state of the art and best in the Nation Policy on Crowd Control Issues. He said once they are adopted they will need regular evaluation, improvement and updating. He said even though he hopes the Commission will adopt this Order he did have some concerns about how well the Commission has been upholding the policies that are already in place. He said no policy is any good unless it is upheld by the body that's chartered with upholding it.

Mr. John Crew, ACLU, said if this was a policy being written just by the ACLU it wouldn't look like this but he also felt that if it was a policy being written just by the SFPD it wouldn't look like this either. He said so it is a policy of some compromise and he would echo that policies are only paper unless they are enforced. He said in terms of the timing he thinks it should go forward as all parties reached an agreement back in February. He said they didn't think they should wait any more

time for the Training Manual to be completed even if it is within a month.

Mr. Mike Keys, President of the SFPOA, said that they had a Meet and Confer over this and they agreed to everything but one point and it is Section 9, #2. He said he submitted that to Chief Reed the day after they had the Meet and Confer and he said he would get back to him and he hasn't yet. He said as of last week in their agreement with Chief Casey it was that they wouldn't submit the General Order to the Commission until the Procedural Manual was submitted at the same time but suddenly it is here tonight.

Commissioner Giraudo said the Order was here tonight because the Commission asked that it come before them. He said he was sorry he did not know about the agreement as it was not made clear. He then asked Mr. Keys what is the problem with the wording in Section 9, #2. Mr. Keys said the wording, "They shall not be driven into the crowd or used to make physical contact with persons in crowds," is fine except the SFPOA would like the wording deliberately driven into the crowd or used to make intentional physical contact because obviously the Hondas are sometimes going to have to be in the crowd. He said the crowd will either move or sometimes they may have to move in as an emergency response team. He said they agree that they don't have to be used deliberately or to knock down people but there are going to be times that they are going to have to be moved in. He said suddenly they may be in the middle of the crowd without knowing it as the crowd moves. He said the Solo Motorcycles have a problem sometimes as they are traveling down the street alongside the crowd and the crowd moves out into the street or goes beyond their boundaries and suddenly they may be in contact with then only pedestrians or with the people walking and sometimes they do come in contact with the crowd so the Solo Motorcycles do have a problem with that also. He said again they do not want to drive deliberately into the crowd but sometimes they may be in the crowd unintentionally. He said they would like the wording to read, "Motorbikes or Motorcycles should not be deliberately driven into crowds or be used to make intentional physical contact unless under emergency exigent circumstances for persons in the crowd".

Mr. Crew, ACLU, said the entire Section 9 is inserted specifically pursuant to litigation brought by the ACLU having to do with the 1984 Democratic Convention Demonstrations. He said as part of a settlement from three of those cases brought by the ACLU this particular language was approved by the Department. He said the reason it is in this General Order is to formalize it and put it in the appropriate policy. He said so while they understand Officer Keys' suggestions and comments, in fact, this language is there for a particular reason it was part of a court settlement. He said and it is also not directed just against individual Officers who may be engaged in driving into the crowd but it is also part of a Tactic. He said one of their concerns during the Democratic Convention was that the Honda Bikes, in particular, were trained as a tactic to disperse crowds by driving up to a crowd and gunning the engine. He said through discovery it was thought to be at the time an appropriate manner to disperse a crowd. He said part of the litigation they had had individuals who were injured, perhaps unintentionally from that sort

of tactic, but from their purposes intentional or otherwise this is not appropriate because of the danger involved, for a crowd control tactic so they would object. He said this is the first they have heard of this as they understood that everybody had signed off on this specific language and they certainly hadn't heard of any sort of plan that these General Order and Training Manual, had to be submitted together, so after the three (3) meetings of 5 1/2 hours each that they had, this was a very specific proposal for a specific reason resulting from specific litigation. He said he hated to complicate it at this last minute but this is totally new to them now after four (4) or five (5) months.

After further discussion, Commissioner Medina said he would make a motion to adopt the General order, Commissioner Nelder said he would second with the proviso that Mr. Crew, Mr. Keys and Deputy Chief Casey sit down and Meet and Confer on this issue specifically to find out the why fors. Commissioner Giraudo said that before he called for a vote his reading of this is that the intent of it is deliberate as opposed to accidental. He said to Officer Keys that he should meet with Deputy Chief Casey and work out whatever needs to be worked out. He said also again the Meet and Confer is with Deputy Chief Casey and not with Deputy Chief Reed. The motion was then unanimously approved.

RESOLUTION NO. 560-89

NEW DEPARTMENT GENERAL ORDER F-5, "CROWD CONTROL"

RESOLVED, that the Police Commission hereby adopts the proposed new General Order F-5, "Crowd Control".

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE INSPECTOR FRANK C. MCCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 17, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Lassart made an "Application for Subpoena" motion and was denied by the Commission. The ruling of the Commission was that the regular Police Commission subpoena would suffice.

Mr. Lassart then made a motion to dismiss the charges and was joined in motion by Attorney Carole Seliger representing Inspector Antonio L. Casillas, and Attorney Stephen Bley representing Inspectors William F. Kidd and Marvin V. Dean. The motion was also denied.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was reserved by Mr. James Lassart.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Janice Fournier, Brussels Street, San Francisco, CA

The hearing was then continued to Wednesday, May 31, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 17, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. Stephen Bley, Attorney at Law, on behalf of Mr. John Prentice.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, made an "Application for Subpoena" motion and was denied by the Commission. The ruling of the Commission was that the regular Police Commission subpoena would suffice.

Mr. Lassart then made a motion to dismiss the charges and was joined in motion by Attorney Carole Seliger representing Inspector Antonio L. Casillas, and Attorney Stephen Bley representing Inspectors William F. Kidd and Marvin V. Dean. The motion was also denied.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was reserved by Mr. Stephen Bley.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Janice Fournier, Brussels Street, San Francisco, CA

The hearing was then continued to Wednesday, May 31, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was

called it having been continued from the meeting of May 17, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, made an "Application for Subpoena" motion and was denied by the Commission. The ruling of the Commission was that the regular Police Commission subpoena would suffice.

Mr. Lassart then made a motion to dismiss the charges and was joined in motion by Attorney Carole Seliger representing Inspector Antonio L. Casillas, and Attorney Stephen Bley representing Inspectors William F. Kidd and Marvin V. Dean. The motion was also denied.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was reserved by Mr. Stephen Bley.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Janice Fournier, Brussels Street, San Francisco, CA

The hearing was then continued to Wednesday, May 31, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of May 17, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole E. Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, made an "Application for Subpoena" motion and was denied by the Commission. The ruling of the Commission was that the regular Police Commission subpoena would suffice.

Mr. Lassart then made a motion to dismiss the charges and was joined in motion by Attorney Carole Seliger representing Inspector Antonio L. Casillas, and Attorney Stephen Bley representing Inspectors William F. Kidd and Marvin V. Dean. The motion was also denied.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was reserved by Ms. Carole Seliger.

The following witness was called by the Prosecution, was sworn and testified:

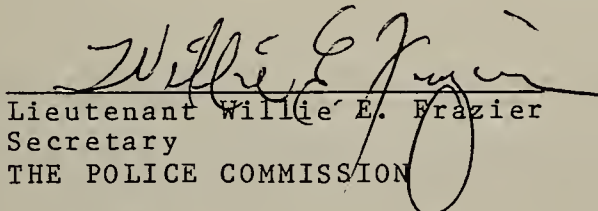
Ms. Janice Fournier, Brussels Street, San Francisco, CA

The hearing was then continued to Wednesday, May 31, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The Commission, after observing a moment of silence in memory of Reverend James Sandmire, SFPD Chaplain, thereafter, adjourned at 8:35 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4960M

Minutes
MAY 31, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, May 31, 1989 at 1600 hours in Closed Session.

1. "In Camera Review" of OCC Documents in the matters of Inspectors Frank McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas

AYES: Commissioners Giraudo, Lee, Medina, Nelder

DOCUMENTS DEPT.

SEP 6 1989

MAY 31, 1989

REGULAR MEETING

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 31, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 22, 1989

Approval of Minutes of Meeting of February 22, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for the settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 579-89

HARRY ANDREWS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment awarded in Superior Court No. 810-911 to Harry Andrews in the amount of \$2,113.00 for costs and disbursements in the case of "Harry Andrews vs. City and County of San Francisco, et al" is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 580-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towes) in the sum of \$880.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: November 15 through
December 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 581-89

PETER H. BELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter H. Bell in the sum of \$449.20 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 582-89

JOYCE E. GANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce E. Gant in the sum of \$290.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 583-89

JAMES L. PERCY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James L. Percy in the sum of \$224.45 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 584-89

SGT. RENE LaPREVOTTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sgt. Rene LaPrevotte in the sum of \$202.29 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 585-89

VIRGINIA BRUCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Virginia Bruce in the sum of \$200.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 586-89

BOBBIE WOODSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bobbie Woodson in the sum of \$180.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 587-89

TROY CARTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Troy Carter in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 588-89

JOHN GELVARDI

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of John Gelvardi in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 589-89

ANTONIO SILVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Silva in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 590-89

JOSEPH BROUSSARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Broussard in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 591-89

MARIETTA C. LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marietta C. Lee in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 592-89

D. BLAKE HALLANAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of D. Blake Hallanan in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 593-89

BRUCE E. BONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce E. Bones in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unknown

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 594-89

JAMES E. BERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James E. Berg in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unknown

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 595-89

TERRY C. HAWKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry C. Hawkins in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 596-89

NELSON JONES, Jr.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nelson Jones, Jr. in the sum of \$20.00 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in an In Camera Session this afternoon at 4:00 p.m. to review documents with respect to items 12, 13, 14 & 15. There were no other Executive Meeting items and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had a few items and first he wanted to respond to an article in the paper this morning about a Hate Crimes Unit proposed for the SFPD. He said apparently Supervisors Ward and Alioto have made a recommendation to see about a Hate Crimes Unit that would be a Special Unit for the SFPD. He said the Department does have a very active unit in the Department in this arena as of this moment. He then displayed some of the material the Department has starting with a Training Bulletin that went out to all of the officers showing the Ralph Act dealing with Hate Crimes. He said the Department also has a Special Order that went out with the Training Bulletin, Video Tapes as well, as every single report now in the SFPD has a box for anyone who might be even remotely tied to any kind of a discriminatory item or a Hate related crime, the officers would mark a check in the box and that would alert the District Attorney for additional penalties or more severe penalties in terms of the kinds of crimes that are occurring. He said the SFPD received an Award from the Attorney General's Office about five (5) months ago as leading the State in terms of dealing with Hate Crime activity. He said the SFPD has been working with the community and receiving excellent cooperation right from the inception from all members of the Community, the ACLU, NAACP, CUAV, NOW, Chinese for Affirmative Action, all from whom they have had input and have worked hand and glove all through this Hate related issue and he said he feels the SFPD is, right now, as solid in terms of professional approach in the Hate related crime area, in terms of dealing with it, as any police department in the entire State of California. He said he feels rather than looking at it in terms of one or two or three or four officers it should be handled across the Board in every District Station. He said he just wanted to let the Commission know that the Department feels it is doing as well with it as any Department in the entire state. He said the second issue is that he always likes to bring up some of the activities the

SFPD must be involved as far as a variety of Special Events and the issues the Department has to deal with either spontaneously or for planned events that are above all of the calls for service. He said he just made a list of some of the ones that occurred over this past weekend. He said there was carnival out in the Mission where thousands of people converged and it took a great deal of police personnel to coordinate traffic flow and then the march down to Civic Center Plaza and then the march to the Mission District. He said there also were the two (2) demonstrations that were spontaneous out at the Chinese Consulate as a number of Chinese people from all over the bay area came in and this was over the students demonstrating in Beijing in China. He said there was also an AIDS march and Candlelight Vigil on Sunday night with approximately 14,000 to 16,000 people involved although peaceful but necessitating the use of numerous police personnel. He said the Department had to engage in closing of the Great Highway on Sunday night where the TNT explosive canisters which turned out to be fake ones but the Department did not know that at the time because there was an explosion Friday night in the same vicinity. He said they also had four (4) baseball games, Friday, Saturday, Sunday and Monday at Candlestick Park and each one brought bigger crowds and one of them had 38,000 people and the second had 51,000. He said these are all above and beyond everything else that police officers who handled all of those issues with no difficulties as far as he could see at this point. He said the third item he would like to bring up is the issue again of Officer Frank Achim and the investigation is still on going in Management Control. He said he had hoped to have brought it to a close and give the Commission their final conclusions but he has been advised that they have not completed their investigation and now at the earliest that he can see this being completed would be about Friday of this week. He said he wanted to bring that to a closure as soon as possible but he cannot move until the investigation is completed.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, Director of the OCC, said he had several items. One, he said, is on the Members Response Forms, they have prepared a list of officers as Deputy Chief Casey has requested for those who have not completed these forms and he would ask that the Police Commission instruct the Department to issue a Training Bulletin outlining the procedures to be followed for the Members Response Forms to be sent to the entire Department so that they have knowledge of what is going on because apparently there are some things they don't know about.

Deputy Chief Casey said he had spoken to Mr. Langer yesterday and he asked him for the names of the officers and he would look into the reasons why they did not fill out the forms as they are required to do and see if they can get to the bottom of this. He said they will try to correct it so that it will not happen again in the future.

Mr. Langer then said the second item he had was just a reminder that the Pro Bono Hearing Coordinator would like to make that presentation to the Commission next week and Mr. Silva will report

tonight on the complaint of Mr. Ruiz from last week's Public Comments Item. Mr. Silva said, upon questioning, he had made a statement that the witness to Mr. Ruiz' allegation stated that he was not present during a portion of the incident between the officer and the complainant. He said the witness seemed to feel that that was contradictory to what he had reported to the OCC so Mr. Silva said he met with the witness yesterday afternoon at 1:30 p.m. and he played the witnesses taped interview from back in November of 1987 and after playing the taped interview statement, the witness agreed with the OCC's disposition of Proper Conduct. Commissioner Giraudo then thanked Mr. Silva for following up on that.

POLICE COMMISSION RESOLUTION SUPPORTING AND ADOPTING
A PROPOSED PACKAGE OF MODEST INCREASES IN PARKING
FINES

Commissioner Giraudo asked his colleagues if they all had the opportunity to read it and asked for a motion when they all said they had read it. Commissioner Lee then said that before they move he would like to suggest that 50% increase in some of the rates were too high so he would propose a 20% increase across the Board except on the Off Street Parking from \$2 to \$10. Commissioner Giraudo said he would take exception. He said the Commission reviewed these fines some weeks ago and the Commission expressed concerned with respect to overtime meters in the neighborhoods. He said that is when the Mayor's Office came back and the Traffic Department came back with the reduction from the \$10 to \$15 to from \$10 to \$12 dollars. He said the other areas that are primarily responsive to citizens concerns, especially when speaking of preferential parking zones in San Francisco, where people come in from outside of San Francisco and park in San Francisco neighborhoods. He said he did not know why as a city, we should subsidize their parking. He said he did not feel you could go on, what is reasonable and what is not, but that you have to go on the fines and what they are and what the public policy is behind those fines and what they are trying to discourage and encourage with respect to parking practices and traffic flow here in San Francisco. He said he felt it is the responsibility of the Commission to go with the recommendation of the Mayor's Office as they are well thought out and they speak to a public policy more than a percentage.

Commissioner Nelder said that Commissioner Lee is recommending approval of all with the exception of the last one.

Commissioner Giraudo said no, Commissioner Lee said that he wanted to go with a 20% reduction across the Board with the exception of the overtime meters in the neighborhoods and leave that at the \$10 to \$12.

Commissioner Nelder said he would like to hear the Chief's recommendation.

Chief Jordan said his recommendation is exactly as what is written down. He said he would like for the Commission to approve the increase because for the SFPD, they see the problem two (2) ways. First, he said, the SFPD is responsible for traffic flow and in order to do this they would like to keep people from parking where they stay all day long and

that causes more congestion on the streets and gives the SFPD more problems with traffic flow. He said at the same time the SFPD is concerned about not gouging citizens as the SFPD knows what the situation is but it has to look at what the off street parking cost are too and if it is easier for them to violate the law and stay on the streets then that is exactly what they are going to do. He said so the SFPD is looking for some way to balance it so that if they do stay on the street they will receive a higher fine and this would serve notice that they had better go and find off street parking which would be cheaper so it could at least help the Department with the flow of the traffic on the streets and the congestion that is being seen now. The Chief said he sees this as one solution to the SFPD's problem.

Commissioner Lee then said he would like to make a motion that the first recommendation on Street Cleaning have a fine from \$10 to \$12, Overtime Meter Parking from \$10 to \$12, Overtime Meter - Downtown from \$15 to \$20, Overtime Zones from \$10 to \$12, the Preferential Parking from current \$20 to \$25, and then Off Street Parking Lots from current \$2 to \$10 and that would be his motion.

Commissioner Nelder said that was really not a bad compromise as he saw and as Commissioner Lee went through it, he only adjusted two (2) items.

Commissioner Giraudo said he felt it should be passed on as recommended by the Mayor's Office and let the Board of Supervisors deal with it. He said this was the Mayor's request as a revenue measure after the research they did subsequent to this Commission rejecting it the last time with the principal concern being the one of the \$10 to \$15 dollars in Overtime Meters in Neighborhoods.

Commissioner Medina said he would second Commissioner Lee's motion and that would put it to a vote and there is four of us on the Commission and if this goes to a tie maybe that will move the Mayor to appoint another Commissioner.

Commissioner Nelder said it will not go to a tie because he would support the motion.

Commissioner Giraudo then said well you have it 3 to 1. A call for the vote showed Commissioners Medina, Nelder and Lee as Ayes, Commissioner Giraudo as Nay.

RESOLUTION NO. 575-89

RESOLUTION SUPPORTING AND ADOPTING A PROPOSED PACKAGE OF MODEST INCREASES IN PARKING FINES

RESOLVED, that the Police Commission hereby adopts the proposed Parking Fines Package as amended, attached herewith.

AYES: Commissioners Lee, Medina, Nelder
NAY: Commissioner Giraudo

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL
SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL
OFFICERS

Continued two weeks at the request of Mr. John Etchevers, Attorney at Law, replacing Mr. Steve Diaz, former Attorney for Patrol Special Officers who left his practice to go to Washington for an appointment in the Nation's Capitol.

RESOLUTION NO. 576-89

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL
SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL
OFFICERS

WHEREAS, the date for the public hearing on the proposed revised rules for Patrol Special Officers and Assistant Patrol Special Officers was called, it having been scheduled for this date; and

WHEREAS, it was requested by Mr. John A. Etchevers, Attorney at Law representing the San Francisco Patrol Special Police Officers Association, for an additional two weeks continuance since he recently assumed representation following the departure of the former attorney, Mr. Steve Diaz, for an appointment in Washington; therefore be it

RESOLVED, that the public hearing on the proposed revised rules for Patrol Special Officers and Assistant Patrol Special Officers is continued to Wednesday, June 14, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #217 HELD
BY JIMMY MAREZ

Officer Flanders of the Taxicab Section, presented this matter to the Commission. She said the complaint against Mr. Marez involves his arrest and conviction of gambling and bookmaking. She said the New Section of the Municipal Police Code allows the Commission the authority to suspend or revoke a Taxicab permit in many instances. She said the section goes on to further state that there are a few instances where suspension and/or revocation are mandatory. She said one of these areas is subsection 5 which says the permittee has been convicted of any crime involving moral turpitude. She said on February 2, 1989, Mr. Marez was arrested by SFPD Vice Crimes for six (6) felony counts of bookmaking and maintaining gambling premises. She said on April 7, 1989, Mr. Marez plead guilty to one charge of bookmaking and this charge was reduced to a misdemeanor and Mr. Marez was placed on three (3) years probation. She said during their investigation it was discovered that on March 26 of 1988, Mr. Marez was also arrested for two (2) felony counts of promoting gambling and possession of gambling records on Stanton Island in New York. She said on April 13, 1989, Mr. Marez plead guilty in that case to one count, one charge of possession of gambling records in the 2nd degree and those charges were reduced to a misdemeanor. She said Mr. Marez was given a conditional discharge which is similar to the SFPD's Probationary period of one year and

then it is over and done with. She said the Taxicab Section believes the gambling and possession of gambling records does fall under the definition of moral turpitude and since Mr. Marez has been arrested and convicted twice within the same year for gambling offenses their Unit does feel that Mr. Marez' taxicab permit should be revoked.

Mr. John Milano, Attorney for Mr. Marez who was also present, stated Mr. Marez would give testimony under oath if the Commission wishes to hear it. He said however, he would like to make some representations to the Commission with respect to Mr. Marez' record and also with respect to the offenses that were outlined. He said he would like to call a witness who has come here on behalf of Mr. Marez and that is Mr. Bill Lazar. He said with respect to Mr. Marez' background that Mr. Marez has been a cab driver in San Francisco for 24 years and has been an owner/operator since 1981. Employed by Yellow Cab from 1965 to 1968 then moved to Luxor in 1968 and has remained in association with Luxor Cabs up to the present 21 years of service without having been the subject of any hearing, any complaint, any disciplinary charge. He said Mr. Marez is divorced but has two (2) children and is the primary source of support for those children, one son in college and the other a young girl in grammar school. He said during the operation of a cab, Mr. Marez was the recipient of a letter of commendation from the SFPD with respect to certain activities which he undertook to protect the safety and security of an undercover plainclothes officer. He said with respect to the offenses that give rise to this action they are, as Officer Flanders told the Commission, but he must stress to the Commission that Mr. Marez was filling what would be regarded as a clerk in a private residence where he went on a weekend and answered the telephone and wrote down bets which were called in. He said Mr. Marez was by no means doing anything in relation to the operation of a Taxicab when he was accepting these bets. He said when Mr. Marez was arrested in New York, he was back visiting his son and staying with friends who had an operation going in their premises. He said Mr. Marez stayed in jail for seven (7) days in Brooklyn until he could raise \$7,500.00 bail and was then released when he agreed to forgo that amount to have the charges reduced to a misdemeanor. Mr. Milano said that when the District Attorney here learned about that arrangement from back there, the District Attorney said he would make a similar agreement with Mr. Marez for the offense here and in so doing, Mr. Marez now makes monthly payments to the SFPD for \$7,500 dollars. Mr. Milano said these financial losses has resulted in \$15,000 dollars to Mr. Marez. He said as he had indicated the acts are totally unrelated to the operation of a taxicab and it was perfectly evident in describing the events of the arrests of Mr. Marez. A lengthy discussion was then entered into regarding what is or what is not moral turpitude. Afterwards, Milano having read his definition, said it would be improper to classify this offense as one of moral turpitude. He then called upon Mr. Lazar to speak of behalf of Mr. Marez.

Mr. Lazar who was General Manager of Luxor for many years said that Mr. Marez had driven for him many years ago and was one of his best drivers. He then spoke of the assistance Mr. Marez gave a police inspector back in 1970 at 17th and Mission Streets where two (2) thugs were assaulting the officer. He

said Mr. Marez now has his own permit and is a hard working man. He said he would like to recommend that the Commission issue to Mr. Marez some kind of probation because he is a good man. He said he feels that Mr. Marez is one of the men who takes care of the public of the city and county of San Francisco and he thought that based on those qualifications he, Mr. Lazar, would appreciate it and Mr. Marez would appreciate it if the Commission would give Marez another chance and let him keep on working.

Commissioner Nelder asked the Chief for his recommendation and the Chief said if he is given probation he would have to be on probation for the rest of his cab driving career.

Commissioner Giraudo and Commissioner Nelder advised Mr. Marez that any violation of the law except for minor traffic violations that if he came back before the Commission having been arrested by any law enforcement agency that his permit would be automatically and permanently revoked.

Commissioner Nelder said he would make a motion to let Mr. Marez go back to work with the condition set down by this Commission that Mr. Marez be on Probation for life and if he comes back here, his permit shall be revoked. Commissioner Lee said he would second that motion. It was then unanimously approved.

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT #217 HELD BY JIMMY MAREZ

The hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #217 issued to Jimmy Marez was called, it having been set for this date; and

Mr. Jimmy Marez appeared in person and was represented by Mr. John G. Milano, Attorney at Law.

Officer Linda Flanders, Permit Section, appeared on behalf of the San Francisco Police Department.

Officer Flanders stated the complaint against Mr. Marez involved his arrest and conviction on gambling and bookmaking charges. She gave his background and gave the reasons why his taxicab permit should be revoked.

Mr. Milano made an opening statement on behalf of Mr. Jimmy Marez. Mr. Milano then presented mitigating circumstances of Mr. Marez' arrests and convictions and also gave details of Mr. Marez' fines and current probationary status for said offenses.

The following nonsworn witness appeared on behalf of the Defense:

Mr. Bill Lazar, Luxor Cab Company

The Police Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 577-89

DECISION

RESOLVED, that it is the findings and decision of the Commission that Taxicab Permit #217 be revoked but said revocation is to be held in abeyance indefinitely. He is to be on probation for the life of his cab driving career and any violation of the law, except for minor traffic violations, would be reason for automatically and permanently revoking his taxicab permit.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

RESOLUTION NO. 578-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER LUIS W. HAMILTON, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Luis W. Hamilton, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Luis W. Hamilton be set for August 9, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Luis W. Hamilton is set for Wednesday, August 9, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 574-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DANIEL H. MAGINNISS, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Daniel H. Maginniss, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Daniel H. Maginniss is scheduled for Wednesday, June 7, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTORS FRANK C. MCCOY, MARVIN V. DEAN, WILLIAM F. KIDD AND ANTONIO L. CASILLAS

COMMISSIONER GIRAUDO: "Before the Commission commence with this evening's proceedings, the Commission has conducted an In Camera Review of the Complaint Work Summary of the OCC related to this case. It is the Commission's duty to turn over any documents or records that will facilitate the ascertainment of the facts in a fair trial. The Commission is determined that the information on the Complaint Work Summary, not already disclosed, does not meet the standard, however, out of an abundance of caution, the Commission has determined to disclose the entire Complaint Work Summary on this case. The Complaint Work Summary of the OCC is a confidential document that the OCC and the Department may refuse to disclose. In some cases disclosure of the Complaint Work Summary could have an adverse effect on the ability of the OCC Investigators to candidly and contemporaneously record their impression without fear that such notes will be later subjected to public scrutiny. Thus, the determination of the Commission to release the Complaint Work Summary in this case will have no effect on future cases. The Commission will refuse to disclose any Complaint Work Summary where such disclosure could detract from the aggressive probing and complete investigation by the OCC. So, Lieutenant, will you pass the envelope to Mr. Bley. Mr. Bley, there are four (4) copies which are copies of the Complete Work Summary. There is one other thing I should mention about what you are receiving. When we reviewed that today, the documents, the Commission found that there are two (2) first pages. The first and second page are identical and there are two different entries on those two first pages and we called for the original file to see why that occurred and what occurred was that Mr. Langer was working from zerox copy and we determined and saw for a fact that it was a zerox copy but we wanted to make sure there were no irregularities in the record keeping and we are confident that that was the case. That there was a zerox copy that Mr. Langer, I think, signed off on it saying please refer to Mr. Shockey and then Shockey's entries was on the original document that he had in hand already. So those are those documents."

HEARING OF POLICE INSPECTOR FRANK C. McCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 24, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Larry Shockey, Office of Citizen Complaints
Investigator,
Ms. Ester Brown, 1027 Brussels Street,
San Francisco, CA
Mr. Lawrence William Tom, 1054 Brussels Street,
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The following exhibits were entered into evidence and/or identification by the Prosecution:

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The hearing was then continued to Wednesday, June 7, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 24, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Ms. Carole Seliger, Attorney at Law, on behalf of Mr. John Prentice.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Larry Shockey, Office of Citizen Complaints
Investigator,
Ms. Ester Brown, 1027 Brussels Street,
San Francisco, CA
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The hearing was then continued to Wednesday, June 7, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Dean:

7:55 p.m. to 8:03 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been continued from the meeting of May 24, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Larry Shockey, Office of Citizen Complaints Investigator,
Ms. Ester Brown, 1027 Brussels Street,
San Francisco, CA
Mr. Lawrence William Tom, 1054 Brussels Street,
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AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Kidd:

7:55 p.m. to 8:03 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of May 24, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

- Mr. Larry Shockey, Office of Citizen Complaints Investigator,
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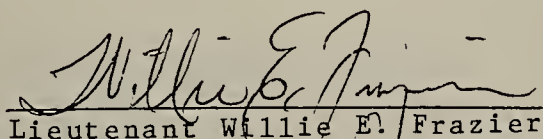
AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector
Casillas:

7:55 p.m. to 8:03 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

The Commission, after observing a moment of
silence in memory of retired Lieutenant of Police
Eugene Fogarty, adjourned in his honor at 9:05 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4968

= Minutes
JUNE 7, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, June 7, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

SEP 12 1989

SAN FRANCISCO
PUBLIC LIBRARY

JUNE 7, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 7, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF MARCH 1, 1989

Approval of Minutes of Meeting of March 1, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 601-89

SYDNEY GABRIEL vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sydney Gabriel in the sum of \$7,250.00 in Superior court No. 932-512 entitled "Sydney Gabriel vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 22, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission had met this evening in an Executive Session in an Attorney-Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Carlos Melendrez said he would like to address some of the recent developments in the Dolores Huerta Case. He said he had debated with himself long and hard before he decided to participate. He said he also decided that

regardless of his personal feelings that it is necessary for the Commission to hear what is being expressed on the streets and the homes of many San Franciscans. He said tonight, the Commission has an opportunity to restore faith in a process that the people have fought long and hard to establish civilian review of Police Conduct or Misconduct. Recent revelations, he said, of police deciding what documents are appropriate for civilian review have only exacerbated a crisis in confidence in the review process. But it has reveals, he said, that the Officer in question has a history of using excessive force and in each instance that excessive force is used against a minority and when the Commission choose to ignore these facts the public interest is not served. For the Attorney for Officer Achim to state in Sunday's paper that the Police Commission has cleared his client, but in fact, the Commission has declined to review the OCC's complaint, the Commission is not serving the SFPD nor the public at large. When the Chief of Police publicly threatens to resign if the Commission orders him to proceed so the Commission can then review the merits of the OCC Complaint and the Commission acquiesce, he said, that is one thing, but, he said, when we read in the papers that some of the Department's top officers including Deputy Chief Jack Jordan may have been involved in impeding the investigation, it then becomes incumbent that the order of this case be re-opened. He said he can fully understand the Police Chief backing his officers in cases of a bad incident but is has long passed the stage. He said the Police Commission now has another opportunity to review the merits of the OCC's complaint. Chief Jordan has discharged his responsibility as he sees it and now the Commission must do its duty. He said he would think it fitting for Commissioner Nelder to come to the rescue of the Police Department by moving to re-open the investigation. He said public perception demands that the Commission review the OCC's complaint. He said they do not ask that the Commission find the officer guilty but they ask that the Commission help them keep faith in a process begging for public order. He said enforce not only the letter but the spirit of the law. He said he thinks that by now the Commission understands that this case is not going to go away until a full review is conducted by this Commission however personally difficult it may be for all of the Commissioners.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had a number of items that he would bring up and the first one is that he attended an all day meeting yesterday. He said he traveled to San Diego with Mayor Art Agnos to meet with the Mayor of San Diego as well as the new drug Cezar William Bennett. The Chief said this was one of Mr. Bennett's first trips out to the West Coast and they had a very good opportunity to present to him exactly what is being done here in San Francisco in terms of Narcotic issues and problems and programs not only in the Law Enforcement Fields but into the Health Department, the Recreation and Park issues. He said the Ocean View Playground is an example, he said they talked about the Omega Boys Club and some of the issues that are being done there taking care of teenagers who are on drugs and then are able to turn around and help others. He said they talked about a number of issues in public housing and what they are trying to do there with

organizing tenants and the SAFE Program and all kinds of other Departments coming in to help from the Health Department, from the Department of Social Services and a number of other agencies. He said he believed that they had a very good opportunity to present very much in depth all of the Narcotic issues and drive an opportunity. He said he believe they gave him and the Mayor the impression, that he wanted to see more about what the SFPD and the City of San Francisco was doing and he is going to be traveling around the country for the next few months and then he will be making proposals in terms of what directions he will be going in on a national level, to attempt to attack this whole escalation problem. The Chief said he feels that they had a very good opportunity to present the SF Communities side of it and that Mr. Bennett was a good receptive listener and that hopefully he will take some of the programs San Francisco is doing and give San Francisco an infusion of Federal Funds to not only help for just peace meal programs in some districts but to do it on a city wide scale where he feels it will do the most good. He said he felt optimistic and so did the Mayor and he feels that San Francisco will hear more as Mr. Bennett starts to unfold his program on a National Level.

The Chief said that the second item he had is regarding the Management Control Investigation dealing with the Frank Achim issue of the missing file, the missing page in his folder. He said he has now received the complete Management Control Investigation and it has been reviewed by him today and there will be sustained charges against some of the individuals involved. He said the officers have not been notified as of this time. He said the Commissioners will receive the full report next week. Charges will be actually brought to the Commission to set a date for hearing before the Police Commission. He said since the officers involved have not been notified as to who they are and to what the charges are he would decline to give their names tonight but he just wanted the Commission to know that they had expedited the process through Management Control as quickly as they could and they have given the officers the opportunity to present their side of it and made sure that they had all of the information and now the Department will pursue, next Wednesday, the full case to the Commission so that the Commission can set a date for Hearing.

He said the next matter he had was regarding personnel transfers within the SFPD and one of the them is for this Saturday. He said it deals with the Captains in the Police Department. He said he was looking at it in terms of being Chief of Police for 3 1/2 years and he wanted to emphasize that he was talking about some of the issues occurring before with all of the stress and the problems and the discipline the Commission is hearing here now and speaking about the officers themselves having difficult and stressful situations. He said the Department has been involved in investigations of all kinds of demonstrations and so the level of stress, the level of anxiety on the streets in a variety of different units is high to the point that many times officers feel that they are always on the defensive. He said he feels that it is very healthy, that it is appropriate to diversify some of the officers in the Command Level Staff, to look at different press perspectives to avoid some of the burn out, diversify their experience, to look at

what the Administration can do in a healthy way, not only for the officers but for the Police Department and that is why, he said, he is doing this. He said this is not a punitive, nor a disciplinary issue, the Commission has a right to pursue this in their own way when the Administration brings people to the Police Commission but he does it his own way through disciplinary hearings. This one, he said, he believes is a healthy transfer for the SFPD and for the officers involved. He said he was looking at others later on down the line but he personally did not feel at this time that the upper strata level of the Administration is going to be moved at this time. He said he was looking at that at a later date because he wants to move this one and see exactly how the pieces fit together and evaluate it and then re-evaluate later in the upper echelons in the SFPD but, he said, he feels that he would also look at Lieutenants and Sergeants as well as this transfer unfolds.

The Chief said he had one more item and that was on an incident that was in the paper this morning dealing with a demonstration at the El Salvadoran Consulate and there was some concern about a Sergeant of Police, who has 25 years of experience and has been through hundreds of demonstrations and about his taking photographs with a camera that is owned by the El Salvadoran Consulate Office. He said the concern was that the photographs were not turned over to the police department and therefore those photographs could be taken by the Consulate Office and there could be some fear of reprisals to family members in El Salvador at a later time. He said he could assure those who have that concern that the film has been turned over to the Police Department and not to the El Salvador Consulate. He said it is in custody of the SFPD at the present time and he understands that there is an OCC Investigation that is to be pursued and he certainly pledges his full cooperation with the OCC to see exactly what the situation is there as it unfolds. He said but at this point he believes that further clarification is needed but he did want to reassure those demonstrators and the citizens who were there that felt that their pictures were taken that the SFPD have them and they will be used for the SFPD's purposes and for whatever purposes the OCC's Investigation is following up on only.

Commissioner Medina said he had some comments to make and he was pleased to here that Chief of Police Frank Jordan has concluded his investigation and taken the steps necessary to correct the situation regarding the document missing from Police Officer Francis Achim's Personnel File. And, he said, this Commission has been instructed by the City Attorney's Office that the contents of that document must remain confidential and cannot be disclosed. He said strong concerns that we have heard tonight were expressed regarding the relevance of the missing document to the Dolores Huerta matter. He said even though the concern was proper in his opinion, the fact that the document was missing is sufficient cause to direct the Chief to file charges against Police Officer Achim so that the Commission can hold a full and fair hearing regarding the matter. He said he sees this as the only viable course of action to take in order to retain the public confidence in the process and in this Commission. He said he was prepared tonight to make the appropriate motion directing the Chief to file charges against Police Officer Achim but given the

most recent development and the Chief concluding his investigation, he will stay his motion until such time as this Commission holds an expeditious hearing regarding the circumstances of the missing document.

Chief Jordan, in his request to respond, said he believe it would have been inappropriate if that request had gone through tonight because it would have prejudged the hearing the Commission is going to have to hear which is going to be set next week. He said he believes that it is only right that the Commission hear all of the evidence in the second follow-up and then they can determine what is appropriate for them.

Commissioner Giraudo told the Chief that he did not disagree with what he had just said and that is perhaps what Commissioner Medina is saying as well. He said the Commission needs to be able to review that evidence and then to see that document as a Commission to understand what they are talking about as what he has personally read in the newspapers is one thing and what may very well be the case may be yet another thing. He said so they will hopefully expedite and be able to have hearings so that the Commission will be able to review the document and understand the circumstances before the Commission can make any judgements about any other matters.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director, said just a reminder that the U.S. Department of Justice was at the OCC's Civilian Review Model and is using it as a model for agencies throughout the United States. He said they have requested him to conduct some training starting on Friday in San Diego to assist them in setting up a comparable agency of the OCC. He said he would be down there on Friday, Saturday and Sunday assisting them.

OCC PRO BONO HEARING COORDINATOR'S PRESENTATION OF PRO BONO HEARING PROCESS TO THE POLICE COMMISSION

Ms. Araceli Matus, Investigator for the OCC and Pro Bono Hearing Coordinator said there were applications provided to the Commission of 38 candidates for the Pro Bono Hearing Finals. She said they phoned each candidate and a total of 23 expressed an interest in working the Pro Bono Hearing Process. She said each candidate was assigned for an occasional meeting and also to a full review of their past experiences. She said she was now submitting to the Commission the names and resumes of 18 candidates after which, if the Commission approves, said names will be published in a newspaper and she hoped that her unit would be able to begin training immediately and establish the OCC's Pro Bono Hearing Process.

Commissioner Giraudo after receiving the names of all of the candidates and likewise did his fellow Commissioners, advised that the Commission would need approximately two (2) weeks to go over this list and at that time re-calendar it and the process could go forward with their plans thereafter.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO
ACCEPT A DONATION OF A PORTABLE VIDEO CAMCORDER UNIT
BY MR. MICHAEL SALERNO, OWNER OF ANDRE'S TV, TO THE
SAN FRANCISCO POLICE DEPARTMENT JUVENILE DIVISION

Captain Michael Hebel in appearing on this item said he would urge the Commission to accept the donation. He said Mr. Andre is a friend of the SFPD and had had this item stolen from his premises. He said it was used in a pornography situation where an 8 and a 9 year old was being exploited sexually. He said the Juvenile Division recovered it, made the arrest and Mr. Andre now wants to give it to them. He said the Division badly needs something like this for their undercover investigations and to use it to interview suspects and victims. He said it is an \$800 dollar piece of property that the unit would otherwise not be able to get and they would love to have it. Commissioner Nelder said he would move approval and would also point out that it was a very important arrest because he was sure that that type of person doesn't do this just once and it is very aggravated judging by the reports that were submitted to the Commission. He said so fortunately it takes this kind of turn where the Department picks up the instrument but from the standpoint of importance, those child molestation cases are high on the priority list as far as law enforcement is concerned. He said he wanted to commend Captain Hebel's Bureau and the officers who made the arrest for making an outstanding investigation and for bringing the guilty party to justice. He said that will be in the form of a motion. Commissioner Lee said he would second that motion. It was then unanimously approved. Captain Hebel said he would convey the comments and commendation made by Commissioner Nelder to his men.

RESOLUTION NO. 598-89

DONATION OF A PORTABLE VIDEO CAMCORDER UNIT TO THE
S.F.P.D. JUVENILE DIVISION BY MR. MICHAEL SALERNO

WHEREAS, Mr. Michael Salerno has expressed a desire to donate a portable video camcorder for the use of the San Francisco Police Department Juvenile Division, and

WHEREAS, this civic minded gesture will provide needed assistance in conducting investigations and therefore in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department head of those gifts to the City and County of San Francisco of a value of Five Thousand (\$5,000) Dollars or less, and

WHEREAS, the generous gift from Mr. Michael Salerno has an estimated value of Eight Hundred (\$800) Dollars, and,

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts; now therefore, be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift from Mr. Michael

Salerno of a portable video camcorder to be used by the San Francisco Police Department Juvenile Division.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

Lieutenant Frazier said the Commission is in receipt of a letter from Mr. Miron's Attorney at the present time who says his office will be substituting as counsel for Richard Miron with respect to his pending application for a Patrol Special Permit. According to further dictates of the letter, Mr. Etchevers said he would be assuming the representation of Mr. Miron in lieu of Mr. Miron's former Attorney, Mr. Steven Diaz, and to date he has not received documentary files from Mr. Diaz. In light of the foregoing he would request that the Miron matter be continued from June 7th 1989 date to a Commission date in the latter part of July 1989. Lieutenant Frazier said he would suggest that the Commission schedule this matter for July 26, 1989 if the Commission so desires. Commissioner Nelder said he would move approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 599-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of May 3, 1989; and

WHEREAS, it was requested by Mr. John A. Etchevers, Attorney at Law representing Mr. Miron, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer be continued to the latter part of July 1989 since his law firm, Hassard, Bonnington, Rogers & Huber, recently assumed representation following the departure of his former attorney, Mr. Steve Diaz, for an appointment in Washington; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

SETTING OF DATE FOR HEARING OF POLICE OFFICER DANIEL
H. MAGINNISS, SOUTHERN STATION

Mr. Peter Furst, attorney for Officer Maginniss, and also with the firm of Bley and Bley said the officer was present tonight. Mr. Michael Gash representing the SFPD said the Department recommends the hearing date be set for August 16, 1989. Mr. Furst said he and his client would approve of that date. Commissioner Nelder said he would move approval, Commissioner Medina seconded and it was unanimously approved.

SETTING OF DATE FOR HEARING OF POLICE OFFICER DANIEL
H. MAGINNISS, SOUTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Daniel H. Maginniss, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Peter Furst, Attorney at Law representing Officer Maginniss, that the date for the hearing of disciplinary charges filed against Officer Daniel H. Maginniss be set for August 16, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Daniel H. Maginniss is set for Wednesday, August 16, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE INSPECTOR FRANK C. MCCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 31, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Darwin Rutherford, 1050 Brussels Street,
San Francisco, CA

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

Mr. James Lassart, Attorney at Law representing Inspector McCoy, entered the following exhibits as Defense Exhibits 5A and 5B since, he stated, Exhibit 5 entered by the Prosecution was not a complete report.

Exhibit 5A Police Department Statement Form
871336939, 11-28-87 - Marc Fournier

Exhibit 5B Police Department Statement Form
871336939, 11-28-87 - Darwin
Rutherford

The hearing was then continued to Wednesday, June 14, 1989 for a status report to verify tentative date set for hearing on July 5, 1989.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector McCoy:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of May 31, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Darwin Rutherford, 1050 Brussels Street,
San Francisco, CA

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, entered the following exhibits as Defense Exhibits 5A and 5B since, he stated, Exhibit 5 entered by the Prosecution was not a complete report.

Exhibit 5A Police Department Statement Form
871336939, 11-28-87 - Marc Fournier

Exhibit 5B Police Department Statement Form
871336939, 11-28-87 - Darwin
Rutherford

The hearing was then continued to Wednesday, June 14, 1989 for a status report to verify tentative date set for hearing on July 5, 1989.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Dean:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been continued from the meeting of May 31, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Darwin Rutherford, 1050 Brussels Street,
San Francisco, CA

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, entered the following exhibits as Defense Exhibits 5A and 5B since, he stated, Exhibit 5 entered by the Prosecution was not a complete report.

Exhibit 5A Police Department Statement Form
871336939, 11-28-87 - Marc Fournier

Exhibit 5B Police Department Statement Form
871336939, 11-28-87 - Darwin
Rutherford

The hearing was then continued to Wednesday, June 14, 1989 for a status report to verify tentative date set for hearing on July 5, 1989.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Kidd:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of May 31, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Darwin Rutherford, 1050 Brussels Street,
San Francisco, CA
Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

Mr. James Lassart, Attorney at Law representing Inspector Frank C. McCoy, entered the following exhibits as Defense Exhibits 5A and 5B since, he stated, Exhibit 5 entered by the Prosecution was not a complete report.

Exhibit 5A Police Department Statement Form
871336939, 11-28-87 - Marc Fournier

Exhibit 5B Police Department Statement Form
871336939, 11-28-87 - Darwin
Rutherford

The hearing was then continued to Wednesday, June 14, 1989 for a status report to verify tentative date set for hearing on July 5, 1989.

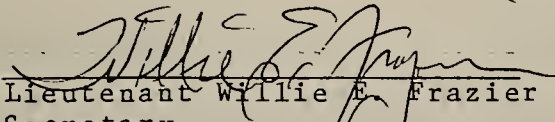
AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Casillas:

8:05 p.m. to 8:20 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

The Commissioners, after observing a moment of
silence in memory of former San Francisco Police
Commander Gerald D'Arcy, adjourned the meeting at
8:30 p.m.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JUNE 14, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, June 14, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

SEP 19 1989

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JUNE 14, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 14, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF SPECIAL MEETING OF MARCH 6, 1989 AND REGULAR MEETING OF MARCH 8, 1989

Approval of Minutes of Special Meeting of March 6, 1989 and Regular Meeting of March 8, 1989, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this evening, 'In Camera', to review some three page document that he would explain when item #12 is called.

RESOLUTION NO. 604-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE CAPTAIN WILLIAM N. WELCH, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Captain William N. Welch, Tactical Division - Special Operations Bureau, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Captain William N. Welch is scheduled for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 605-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION -
SPECIAL OPERATIONS BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Lieutenant Thomas J. Lang, Tactical Division - Special Operations Bureau, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang is scheduled for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 606-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
SERGEANT JAMES B. HALL, TACTICAL DIVISION - SPECIAL
OPERATIONS BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant James B. Hall, Tactical Division - Special Operations Bureau, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the

department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Sergeant James B. Hall is scheduled for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

Mr. Phillip Ward, Attorney for the Patrol Special Officers said the former Attorney for the Patrol Specials, Mr. Steven Diaz, has withdrawn from his practices in San Francisco and moved back to Washington and he has asked that his (Ward) firm look into their situation for the purposes of representation. He said they had only one opportunity to meet with them and that was last Thursday and the Patrol Special Officers are trying to decide in what fashion they wish to proceed. He said he would ask the Commission to put this matter over to late July by which time the Patrol Specials will have decided on what they are going to do but also have it done for purposes of making a presentation before the Commission in conjunction with the consideration of the proposed rule changes. He said also he believed that there is another matter with a person seeking Patrol Special Status by the name of Miron which has been put over to late July or July 26th.

Commissioner Nelder said he would make a motion for approval of that date to hear the matters. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 602-89

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

WHEREAS, the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers was called, it having been continued from the meeting of May 31, 1989, and

WHEREAS, it was requested by Mr. Phillip S. Ward, Attorney at Law representing the Patrol Special Officers Association, that the matter be continued to a later date since he recently assumed representation following the departure of Mr. Steven A. Diaz; therefore be it

RESOLVED, that the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

STATUS REPORT IN THE DISCIPLINARY CHARGES FILED
AGAINST POLICE INSPECTORS FRANK C. McCOY, MARVIN V.
DEAN, WILLIAM F. KIDD AND ANTONIO L. CASILLAS,
REGARDING TENTATIVE HEARING DATES

Ms. Carole Seliger, Attorney for Inspector Casillas, said they almost have a date. She said Inspector Casillas has been checking with the military, literally, on a daily basis and there was a mix-up on the dates that was submitted for the location that he was supposed to be going to, however, she said, they were trying to get the date confirmed for July 16th as the onset of his military leave. She said that means that the dates for July 5th and July 13th would be open and Inspector Casillas would be gone until August 10th. She said they would hope to have this confirmed tomorrow and that was the best she could do. Commissioner Giraudo asked her to come back next week and let the Commission know and she said she would.

RESOLUTION NO. 607-89

STATUS REPORT IN THE DISCIPLINARY CHARGES FILED
AGAINST POLICE INSPECTORS FRANK C. McCOY, MARVIN V.
DEAN, WILLIAM F. KIDD AND ANTONIO L. CASILLAS,
REGARDING TENTATIVE HEARING DATES

WHEREAS, the date for a status report in the disciplinary charges filed against Police Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas regarding tentative hearing dates was called, it having been scheduled for this date; and

WHEREAS, following discussion the tentative dates are now set for July 5, 1989 and July 13, 1989; therefore be it

RESOLVED, that the tentative dates for the hearing of disciplinary charges filed against Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas, is set for July 5, 1989 at 5:30 p.m. and July 13, 1989 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POSSIBLE ACTION ON REQUEST FOR DOCUMENT(s) IN THE
DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTORS
FRANK C. McCOY, ET AL

MS. SELIGER: Carole Seliger behalf of Inspector Casillas.

MS. LASSART: James Lassart appearing on behalf of Inspector McCoy.

MS. SELIGER: Also I'm appearing on behalf of Steven Bruce Bley and John Prentice especially appearing for Inspectors Kidd and Dean.

PRES. GIRAUDO: At last week's Commission meeting the charged officers requested a copy, if one existed, of Mr. Shockey's notes of his first interview with Manual Floyd. The OCC has since informed us that these notes exist. We reviewed today the three pages of handwritten notes in-camera this afternoon. The OCC has informed us that these notes were read almost verbatim into the tape recording of the second Floyd interview which was

produced to the charged officers. Nevertheless, again in an abundance of caution, we have decided to produce these notes. We have no reason to conclude that disclosure of these notes would impair the ability of the OCC to discharge its functions.

The question of production of documents has created numerous delays in the hearing of this disciplinary matter. In order to avoid further delays and piecemeal requests for production of specific documents, the City Attorney has pulled all unproduced documents from its files in case number 0489-88 and has reviewed those documents. We have not reviewed those documents. The City Attorney has advised us though that the accused officers in a disciplinary proceeding do not have an absolute right in an agency file. They must show good cause for production of documents. Here, the charged officers have been given all documents relied upon by the OCC and subsequently by Chief Jordan, in determining the charges were warranted. These documents included all exculpatory material discovered by the OCC during its investigation. Additional documents in the charged officers' January 25th, 1989 letter and March 10th, 1989 subpoena have also been produced. Finally, on May 31st, 1989 the Commission produced the entire Complaint Work Summary pursuant to the charged officers' request.

The City Attorney has advised us that the unproduced documents remaining in the OCC's files which the charged officers have not requested, need not be produced under due process principles. To the extent that these documents contain information that the charged officers have not already received, the City Attorney has advised us that the information is neither relevant nor material and would not assist the charged officers in their offense.

Nevertheless, to avoid further delays in these proceedings, and on the advice of the City Attorney we have decided to produce to the charged officers all unproduced documents held by the OCC. Neither the charged officers in this case nor anyone else should construe our action as having any precedential value in further disciplinary proceedings. As we stated at the May 31st, 1989 Commission Hearing, the Commission reserves its right to review document requests and make appropriate decisions on a case-by-case basis.

At this time I will instruct the Secretary to turn over the remaining documents to the charged officers and to Mr. Gash and I trust that this case can proceed expeditiously from this case forward.

So if we have these documents I would like Mr. Lassart and Miss Seliger to get copies and for Mr. Gash to get his copies. Do you want to give them to Lieutenant Frazier.

DEPUTY CITY ATTORNEY HARTINGER: Sure.
(Whereupon, Lt. Frazier transmits documents to Mr. Lassart and Mr. Gash).

PRES. GIRAUDO: So we will resume next week.

MR. LASSART: Commissioner, I'd like to make a statement.

We have been requesting discovery in this matter for the entirety of the case.

PRES. GIRAUDO: Yes.

MR. LASSART: We have told this Commission and we have told the courts and the Superior Court of San Francisco and in the Federal District Court that there are documents out there that we knew were there and in the hands of the OCC that were relevant to this matter. To say that a statement of Manual Floyd as written by Mr. Shockey at the time and to which Mr. Floyd even on the stand indicates that they didn't understand some of the questions, to say that's irrelevant is extremely unrealistic.

We're entitled to every document that is valuable to our defense. Due process requires that. We have told this Commission, we have told the Superior Court and the District Court that there are documents in the hands of the Police Department that we haven't got yet. We identified those documents and one of them is a statement of Frank McCoy, typed out to questions that were asked by this Department. I'll guarantee you that that's there. I'll guarantee you it's been there.

Now I will call your attention to the Superior Court of San Francisco open discovery rules in criminal matters which is attached to this particular case through the Sheibly (sic) decision in civil matters as to administrative proceeding. That requires that every statement made by a defendant is turned over. It's supported by the case law in California, it's supported by the standing rule of discovery. It's been the law as a local rule in this county since 1977 when Judge Calconyo wrote it.

There's no surprise. We know, guarantee you and we'll show you eventually, that they have documents or have had documents and destroyed them and there are documents with regard to this very incident, statements of our defendants made before they were under charges and which are very relevant because their credibility can't be called to question. Now based on that conduct and there are statements throughout these Superior Court and the District Court actions, under penalty of perjury where people have said we have turned over everything. You've heard the statements. We've documented now in letters, declarations, over 30 times we've been represented, had representations made to us in the various courts and to this Commission in transcript that everything's been turned over that needs to be turned over. When you have something from Floyd, that's just a little indicator that that's the type of iceberg.

Based on all of this, I ask this Commission under the basic concept of prosecutorial misconduct, call it lack of discovery, call it fairness, I ask you to dismiss this matter. You've heard enough evidence to hear the kind of case they're presenting. Now you've seen the manner that it's been presented, and I ask the matter be dismissed.

PRES. GIRAUDO: You've made a motion to dismiss and I think that I would like to entertain your motion at our next hearing rather than this evening.

MS. SELIGER: May I make a statement for the record as well, a brief statement.

The problem that I have with the fact that this process occurred in the manner and in the form that it occurred, is the fact that this standing order has been existence since 1977. This particular Commission should have had constructive if not actual notice of that document in light of the fact that it is the discovery standard that would be used in exactly this kind of proceeding under Sheibly.

Worse than that, I'm concerned about the fact that that document is well known to the Chief in as much as as it supports those documents that must be turned over in the defense in criminal action. So I find it a little disingenuous to hear now suddenly that people have no idea that they must turn over these documents or there's never been some concept about what discovery should be in the context of these cases.

So I'm very concerned about it, I'm joining on behalf of the remaining defendants and their counsel in this motion to dismiss and of course we'll argue it next week.

PRES. GIRAUDO: Well, we won't argue it next week, we'll argue it when we resume.

Mr. Hartinger, did you wish to speak to this?

DEPUTY CITY ATTORNEY HARTINGER: I'll just make one statement for the record, Commissioners.

I would not be so bold to say that or perhaps I shouldn't be so bold to say that generally speaking when people craft a request for Production of Documents, they are requesting categories of documents and they know what they have requested. In this particular case, I think that the record will reflect adequately that they've requested specific categories of documents. Every single document that falls within those categories that has been specified in their request has been produced by the City Attorney's office and by every agency of the city. Now in this case the City Attorney's office has decided that we're going to go beyond that, going to read more into their request than what they've actually put forth in writing and set forth in the Superior Court and so forth. We're going to give them everything. They have admitted before Superior Court and Federal Court that they're not entitled to all documents in police agency files and that than good cause is required to obtain certain documents. That's in the record. And to the extent that they are attempting to say that anything that's been done wrong by anyone in our office or any of the agencies that we've been working with, I take exception with and I want to say the record speaks for itself and they will have their chance to review any decision made by you at the conclusion of the disciplinary proceeding.

MR. LASSART: Just one second, Commissioner.

I appreciate Mr. Hartinger's comments. I'm sure this Commission is about as shocked as I am that there's another about an inch more of documents that has been turned over and that this whole speech is wonderful but these hearings are for one purpose,

that's a search for the truth and you don't play games in discovery. When the liberty issues or you have due process issues are on the line, there's a search for the truth, not a game. Now you can't hide things and expect to come in and hide behind the technicalities. That's what's occurring. This tape recording that you heard has been in the hands of this agency since June 15th -- I'll take that back. The documents have been in their hands since July of 1988. On that tape recording it says, "I'm reading from my notes out there they ought to turn over, then nobody's doing their homework."

PRES. GIRAUDO: Thank you.

Mr. Gash, did you wish to saying anything to this issue?

MR. GASH: No, Commissioners. It sounds to me that on July 5th that's going to be the date when we really hash out and argue when they make their motion to dismiss, so I'll rereserve my comments until then.

RESOLUTION NO. 608-89

POSSIBLE ACTION ON REQUEST FOR DOCUMENT(S) IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTORS FRANK C. McCOY, et al

WHEREAS, possible action on request for documents in the disciplinary charges filed against Police Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas, was the subject of an earlier "In Camera Review" closed session meeting this date, and

WHEREAS, during that particular session the discussion revolved around the Police Commission meeting of June 7, 1989, wherein the charged officers requested a copy, if one existed, of Mr. Shockey's notes of his first interview with Mr. Manuel Floyd, a current witness in the hearing, and

WHEREAS, the City Attorney advised the Commission to produce to the charged officers all documents remaining in the OCC files which the charged officers have not requested and need not be produced under due process principles, and therefore be it

RESOLVED, based on the advice of the City Attorney, the Police Commission produced to the charged officers all unproduced documents held by the OCC with the proviso that neither the charged officers in this case nor anyone else shall construe the Police Commission action as having any precedential value in further disciplinary proceedings.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

a) PUBLIC COMMENTS

PRES. GIRAUDO: Good evening, Miss Stein, how are you this evening?

MS. STEIN: Good evening. My name is Bobbie Stein, I'm an attorney and a member of the National Lawyers Guild and I've been before this Commission before.

I recognize that this is not a judicial body nor is it a court of law, but it's my opinion that the Police Commission and the Police Department represent the law, such as it is, and should function in such a way as to uphold the law and strive for fairness justice in the administration of their respective duties.

It's nonsensical to me that this Commission is contemplating setting hearings for Captain Welch, Captain Lang and Sgt. Hall without also setting hearing dates for Officer Achim and Deputy Chief Jack Jordan. You cannot fully evaluate the misconduct of these three men without first understanding the surrounding circumstances of the September 14th beating of Dolores Huerta.

I know that you thought the long tortuous process of deciding whether or not to file disciplinary charges against Officer Achim was in the past. Ultimately the question was trivialized so that the issue became whether the Chief was the only person who could file a complaint before this Commission. This Commission took great pains to emphasize that it must remain impartial and must not prejudice itself. The Commission relied entirely upon the Chief's assessment of the facts and in its final determination not to hold a disciplinary hearing for Officer Achim. It defies logic that this Commission is not now asking the question what impact does that missing document that we've all read so much about have on the validity of our decision not to hold a hearing in the Huerta case.

If this were a court of law, the fact that newly discovered evidence has surfaced would surely re-open this case, particularly where there's no question that the evidence is material and relevant. We now know that that a very important document was removed from Officer Achim's file. The question is not only who is responsible from removing it from that file, but also what affect would that document have had on the investigation of the case itself.

I'd like to ask each of you Commissioners, if in your final closed door session with the Chief, had he told you that he did not consider all the relevant documents in Officer Achim's file, that he did not consider all the evidence, would you still have voted the same way with regard to whether or not to hold a hearing? You could not have. At least you could not have done so in good conscience.

I urge you to exercise your authority and re-open the Huerta case so that all the facts can be known to everyone and not just a select few.

Thank you.

PRES. GIRAUDO: Thank you. I'd like to respond, if I could, Miss Stein. While I think your question is a good question, I don't think we as Commissioners until we hear the other matters will have had any valid review of that particular document short of what Mr. Seth Rosenfeld has printed in the Examiner.

Obviously -- I don't know whether it's obvious or not as to whether or not he had an actual copy of the actual document. But this Commission I believe will have to review that document and review that, those cases prior to making any further decisions about any other prior case.

MS. STEIN: I think that might be a backwards approach to the situation and I believe that other people here this evening can comment on that and have some remarks in that regard and I'll defer to those people.

PRES. GIRAUDO: All right. Thank you.
Yes, sir --

COMM. MEDINA: Before he makes his comment, I just wanted to say that in regard to that matter, that my opinion was that just the fact that the document was missing for me was sufficient cause enough to have the matter re-heard. And irrespective of the contents of the document, because my concern is that this will raise certain questions, certain doubts in the public mind that there's something that's being hidden and so just because the document was missing for me was sufficient to re-open the case and I stayed my motion to direct the Chief to file charges against Officer Achim until we did have an opportunity to review the facts around the removal of the document, why the document was removed, who had knowledge and for what purpose it was removed.

PRES. GIRAUDO: Thank you, Commissioner.
Yes, sir.

MR. MELENDEZ: My name is Carlos Melendez. I have a few more comments on the Dolores Huerta case that I would like to make before we all get lost in the glare of publicity and resulting political pressures that inevitably accompany such publicity.

After I made my brief statements last week, I was asked by a reporter why I had chosen to speak out, what had prompted me, had there been any catalyst. I gave my answer and I would like to share it with you tonight for I feel that it goes to the heart of the issue.

I have been concerned with the concept of independent civilian review for a long time, as has the citizenry of San Francisco as evidenced by their vote for the OCC. During the course of this particular case, I read an article where our honorable Mayor expressed his concerns that this case might have a demoralizing effect on the morale of the Police Department. This was then followed with statements of concern over a demoralized police force not being able to effectively respond to the crack epidemic.

I was astonished. I thought are we being held hostage? Did I misinterpret these statements? I asked my friends on the Police Department and they were outraged. They felt that their honor, their sense of duty had been impuned. Surely the Mayor had received faulty advice.

I bring this up because it illustrates the difficulty of having an independent review process not subject to political pressures and political results. You as a body reflect the biases of a

particular administration that appoints you. The OCC has had its various difficulties depending upon the commitment of a particular administration. We cannot continue to send mixed messages to the Police Department.

When I speak of enforcing not only the letter but the spirit of the law, surely you understand. When I speak of allowing the process to go forth, surely you understand. The truth of the matter is that you will always be subject to political pressures and decisions. That's the nature of the beast. And that is why we harp on process. Make the process of review inviolatable and we might just have a chance at approaching justice.

Once again, Dolores Huerta has been the instrument that rallies us, the conscience that won't let us sleep. We are all very lucky that she did not die. For those of you who still do not know who she is in our community, let me just say this: When I try and teach my children about heroes and heroines, I point to her first. For someone who has fought for justice her whole life to be denied justice here is unconscionable. But if you think that our concern only deals with the Huerta case, you haven't been listening to what we are saying.

I respectfully disagree with Police Chief Jordan that the removal of the document was somehow not a very serious offense. Now that top brass within the Department have been implicated rather than the foot soldier, we shall see what political pressure is all about. Will the OCC be able to do its job? Will the Police Commission hear the case when OCC completes its investigation? I, for one, am tired of police scandals. If the previous administration had enforced its moral authority, if it had encouraged the independent review process, we would not be here today. I feel confident that this administration will not repeat those mistakes. I feel confident that when I leave here this evening, this Police Commission will vote to re-open the Dolores Huerta case. Thank you.

PRES. GIRAUDO: Thank you very much.

MR. CREW: John Crew. I do want to address the question that you presented to Miss Stein but it's necessary first to provide some context. The reason the ACLU is here again after three months talking about the Huerta case is we are very concerned with respect to Commissioner Medina and all of you, that you may be proceeding in a fashion that puts the cart before the horse and we're very concerned that you may not get the horse back out front.

We thought it was important to raise these concerns now and we have to keep in mind to begin with what the goal is. When this most recent revelation came up about a month ago about a missing document, the Mayor put out a statement saying he wanted a full review of the situation and the Chief essentially echoed that and said because of the erosion of credibility that we really had to get to the bottom of it and the Chief announced in a press release once the investigation is completed the entire matter will be presented before the Police Commission for its review, that he believed that the public's confidence in this Police Department demands full disclosure.

Our concern is that that the charges on these three particular officers, the issues that will come up that narrow disciplinary hearing will inevitably, that they're too narrow to give us full disclosure and for you to review the entire matter and how you proceed with those three charges very well may affect not only when you can get to the rest of the matter but even whether or not you can ever get to it.

For this case to ever really be put behind the Department and Mr. Melendez last week talked about a case that wouldn't die and I think that's true. For this Department to get over this case, to learn from any mistakes that may have taken place, to really re-establish public confidence, all of the questions about this case have to be answered and answered publicly and we believe answered by this Police Commission.

And I just want to briefly list questions, some which quite frankly are uncomfortable but I think all of them in light of everything that we've heard are very legitimate and very necessary to be answered in the long run if we're going to go forward and really four categories.

Chronically, first we have a set of questions arising from last summer. Basically were there indications that this officer involved in the Huerta case needed help; that there were indications that he should not have been on duty; what actions were taken because of those indications' what were they. Those are very important questions to be answered for the public's and the Department's concerns.

Then we have the incident itself on September 14th where Dolores was injured. The ACLU said back in December through March that we believed that you should answer the question of whether or not there was unnecessary force in that case. And we still believe that and we particularly believe that with the new evidence that Miss Stein referred to.

Now Chief Jordan has said that he believed the new evidence is irrelevant to that question. With all due respect to the Chief, we think that you should be able to make that decision and we are concerned that in the context of this hearing you will not be in a position to make that decision. So we think at that point the questions about the Huerta case, whether or not it was unnecessary force not only against Dolores Huerta but the other complainants who were never really addressed in that process, those questions need to be answered as well.

Then we come to the questions, the third set really arises after in the hours and the days after the Huerta case where allegedly this document was removed. Some of those questions are being addressed by these charges and they have to do with why was document removed, who removed it, who authorized this removal.

The suggestion has been made that the Deputy Chief Jack Jordan authorized the removal. The Chief said again through Management Control that he did not believe that his brother was responsible. I do not think it is a knock on the Chief personally to say that because the family relationship here that there is at least the appearance of a bias problem.

I don't think it's fair to the Chief, I don't think it's fair to the Department, and I don't think it's fair to the public that the Chief be the one that make decision essentially about his brother. I could not say that I could totally unbiased judge any of my four brothers. I think the question about the Chief's brother's involvement or anyone else in the Department needs to be addressed by this Commission.

And finally, after the document was removed there's a whole set of questions about what had happened since then. Some of these officers, in fact, all of these officers are being charged in part because they had knowledge of the removal of the documents and they did not tell Management Control. Well that same argument applies, it seems to us, to any other officer who had knowledge. It also applies as to who else should have been told, who else may have had reason to know about this document -- not just the Grand Jury, the OCC, but indeed the Commission. At any time before you took your vote in March, were there others in the Department who knew about this document and why didn't they tell you -- if they didn't tell you. Were you told? These are questions that have to be answered.

And finally, I guess we have to ask would we have ever heard about this document had it not been for the grievance that was filed. What was going to happen to the document? Was it going to be put back in the file at some point? Was it going to be produced during litigation? All of these questions must be answered before this case is closed, before credibility is re-established and if you proceed with these charges now, you may not be in a position to go back.

First of all, we have a pending OCC investigation on this case. The OCC could very well come to different conclusions about who was responsible for this particular matter. If you have already initiated hearings against certain officers, we have seen in the past that you have great concern about remaining unprejudiced, not being tainted by evidence. If the OCC later on comes back and says well, there should be additional people or different people, is it going to be possible at that point to go back?

And not just the OCC's investigation. It seem to me that the officers and Jim Collins tonight suggested that he may need to look into the Huerta case itself, the underlying matter. If those issues are discussed or other peoples' knowledge is discussed, are you then going to be tainted from going back?

PRES. GIRAUDO: We have asked for a City Attorney opinion on that question.

MR. CREW: Do we have a sense of how quickly that --

PRES. GIRAUDO: Commissioner Medina raised that issue this evening and asked for an opinion and I suppose if I can request it be expedited --

MR. CREW: I'm sorry?

PRES. GIRAUDO: I suppose I can request it be expedited.

MR. CREW: Let me just conclude. Our primary concern is that all of these questions have to be answered and the direction that the Commission is hearing right now, that hearing alone will not answer the vast majority of those questions. At minimum we think up ought to wait until the OCC investigation is over and really what needs to happen here is a process that's going to finally once and for all get to the bottom of all of this.

PRES. GIRAUDO: Thank you very much, Mr. Crew.

MS. LYONS: I'm Diana Lyons, attorney for Dolores Huerta, who did not come to San Francisco on the 14th of September to bring all of you gentlemen these problems.

Since the 14th of September last year, she's waited very patiently hoping that the procedures set up in the Charter in this City and the admonitions she'd heard from various people in this City, either privately or through one public forum or another, would prove to be true and although there appears to be no limit to the goodness and kindness and sincerity and christianity of my client, the City's actions in response to the charges filed have created far more questions than they have answered, not only in our minds with respect to this litigation and in the minds of the people who have come and spoken here, but in the minds of those who read and the various publications and see on television what's happening with respect to this case, and I submit that you do yourselves and the City a disservice if you take any step other than to lay all the evidence before you and make a decision or a number of decisions with respect to the various pending questions and consider among them not only the questions in peoples' minds about whether the Chief himself, as well as his brother, may have known about the missing document on or about the 15th of September or no later the 16th, and if he didn't, why didn't he.

Those questions are on peoples' minds and indeed the question whether this Commission or any member of it knew of the existence of the document and the various suggestions that this particular officer be given counseling for stress. Particularly in the context --

PRES. GIRAUDO: Miss Lyons, when you speak to that document, I have to re-assert again. What you're telling me is what you've read in the newspaper. We have not seen the document. Now perhaps you've seen the document. We have not seen that document. I want to make that for the record.

MS. LYONS: I understand your disadvantage in that regard and suggest that in order to remedy that disadvantage that a hearing where you not only hear the charges that the Chief has now in the most expeditious action taken since the 14th of September in this entire matter lodged against three intermediate level management officers. But if you don't hear the underlying case as well as the question of the removal of this particular document or the other cause to believe within the particular, the charged officer or the officer that we charged, record and personnel file as to why on that particular occasion he was the last person on earth or the last person on the police force who should

have been under that sort of strain -- following a presidential candidate around all day, not having time for lunch, being under constant stress, and then being put in front of the crowd being given the unprecedented order to hit them, which unfortunately he did far too hard.

But the responsibility does not end with that particular officer and if you only look to the sergeant and the lieutenant and the captain who it appears to me are being used as scapegoats -- not that they don't share the responsibility, certainly they do. But the buck doesn't stop with them, or with Jack Jordan or with Chief Jordan, but here, and if you permit the Chief to bring charges against the intermediate officers and make a determination on the basis of whatever evidence is presented to you on that case and thereby by foreclose hearing the more important charges against those above the intermediate level and against the officer who actually committed the battery that almost killed Dolores Huerta, and if you do that by hearing those charges before the OCC investigation of my most recent charge filed with them regarding the removal of this document and the coverup it entails, is even determined by the OCC, much less reviewed by the Chief, then you create the appearance of trying to avoid hearing all the evidence, trying to avoid the decision that ultimately has to be made about whether this City, this Commission, these procedures are going to provide the sort of public review that the Charter intended and that the people expect.

Now, my client ultimately will have a hearing in court. That's not going to satisfy the needs of the City that pays you gentlemen the salaries and I say that again --

PRES. GIRAUDO: I don't mean to laugh -- when you refer to salaries, I -- we're not salaried employees of the City and County of San Francisco. Thank you.

MS. LYONS: You don't do this entirely for free.

PRES. GIRAUDO: We get about \$90 a month.

MS. LYONS: There might not be enough in the treasury for that if the City continues to pay the sort of damage awards it has to.

PRES. GIRAUDO: Thank you very much, Miss Lyons.

MR. ALMSTEAD: This thing seems to get worse and worse all the time.

There's lots of things that have been said that I agree with. I just want to harp again on the issues of civilian oversight which I think I've harped on time and time again.

I have yet to see actions from this Commission that proves to me that this Commission holds in esteem the concept and the reality of civilian oversight of the police force. I think we have some fine officers. I think many of them try and do a tremendous job, but damn it, you know, I want civilians running this place and the thought that you're going to enter into an investigation, a hearing, while a civilian review is underway on these charges of the document being removed, to me

is just the biggest slap in the face of civilian investigation and oversight that we've had to date and this just goes on and on.

I guess that's what I want to say. My question is if you have the hearings now and in a month or two months the OCC comes out and says that other officers were implicated, what are you going to do? What are you going to do? You're going to look silly. So, you know, uphold the civilian process. That's what it's there for, that's why we have an OCC so we have independent civilian oversight. If you don't think it's working then fix it, strengthen the OCC, don't go around it.

PRES. GIRAUDO: Just a question if I might, or a thought.

You're expressing the opinion if the OCC were to sustain cases against other officers that, are you saying that you're of the opinion that we would not be able to hear those cases as well?

MR. ALMSTEAD: I'm not a lawyer, I don't know what would happen but I think it would look very silly. At some point you'd have to say oh, yes, we got the wrong guys.

PRES. GIRAUDO: I don't know whether it would be the wrong guys but it might be additional people.

MR. ALMSTEAD: But it might be.

PRES. GIRAUDO: When we go through a hearing we would make that determination.

MR. ALMSTEAD: My point is that I believe the investigation that this Commission should rely on is the investigation held by the civilian branch of the Police Department and that's who you should rely on and at this point you don't have the information so why hold the hearing now.

PRES. GIRAUDO: Thank you very much.

MR. MALCHESKY: Good evening, Commissioners. Kim Malchesky. As you all know, I'm the attorney for Monique Doryland. Monique Doryland had her OCC complaint against Officer Achim also sustained because Officer Achim used excessive force against her at the same demonstration where Dolores Huerta was beat up.

I would like to join the previous speakers' motions to request that the Commission re-open the original case of Dolores Huerta and Monique Doryland and the third women who was beat up by Officer Achim.

I don't want to repeat the reasons that Mr. Crew and Miss Stein gave, but what I would also add is that if you continue ahead with the disciplinary hearings against Captain Welch, Lt. Lang and Sgt. Hall, you're not only for the reasons that Lester just put out undercutting the independence of the OCC -- and you will be undercutting the OCC's independence because the OCC has the role of investigation citizens' complaints. A citizen complaint is pending and let's say if the OCC sustains a complaint against Deputy Chief Jordan, then what are you going to do? That sustained complaint would go to the Chief and we're back in

the same procedural morass where we were in back in September with the Dolores Huerta case. The Chief's going to say he's already investigated it and can't file a complaint against his brother because he would be committing perjury. Then you go into closed sessions with the Chief and the OCC and then decide whether or not the Chief abused his discretion by not filing a complaint against his own brother.

You're continually going to deal with this procedural morass as long as the Chief has primary responsibility or is conducting simultaneous investigations along with the OCC. With all due respect to the Chief, I think it's obvious to most people that there is a plain conflict of interest for the Chief to be investigating the issue of whether or not it was misconduct for officers to remove the document from Officer Achim's personnel file.

I think any judicial officer in this State would have to disqualify himself or herself because of the mere appearance of impropriety. In this case it goes beyond that. Not only it is a question of his familial relationship to the deputy chief, but certain officers, the officers who have had charges filed against them have alleged that Deputy Chief Jordan approved the removal of the memo from the file.

Now if that's true, that raises a question did the Chief know about it, did the Chief approve Deputy Jordan's advice to the lower level officers to remove the document? Now if that's so, then the Chief shouldn't be investigating this case at all.

And I think with what's obvious to most people in San Francisco and the Bay Area is that ever since Dolores Huerta and other people were beaten up at that demonstration on September 14th, the Police Department has been conducting a cover up of the whole thing and that is evidenced by the removal of the document and was also evidenced by the fact that my client Monique Doryland was arrested on September 16th, on or about the same time that the crucial document was removed from the file and her arrest, the citation that was issued to her for allegedly battering an officer at the demonstration where she was battered by an officer, the citation that was issued to her was approved by Sgt. Hall and Captain Welch of the Tactical Squad, the same officers who removed the file, removed the document from Officer Achim's file and the same officers who now have charges pending against them by the Chief.

I think the only way for this Commission to resolve this whole morass is to hold a public hearing inquiry into not only the removal of the document but the underlining sustained OCC complaint against Officer Achim and only at a public hearing will this Commission be able to answer all of the questions posted by Bobbie Stein and John Crew and only at that point in time will the public ever have its confidence in this Commission and independent review and the independent review of the OCC restored.

Thank you.

PRES. GIRAUDO: Thank you, Mr. Malchesky.

Any other speakers? Yes, sir.

MR. MUSCAT: My name is Hal Muscat, I'm a cab driver, community activist and a precinct walker. And I just want to make sure I understand this correctly.

There are three officers, a couple of them rather high ranking members of the Department, who are up against possibly administrative charges for taking a piece of paper or maybe two or three pieces of paper from point A to point B. There's at least -- well, in this case there's the case of Officer Achim who has beat up at least three people, almost murdered a one hundred pound grandmother, and he's out on the streets walking around.

There's an imbalance here, an unequalness that I think at least for me demonstrates part of what's wrong with this whole process. I think if the Commission doesn't basically vote unanimously to re-open the question, the investigation into the Dolores Huerta beating, that the next thing we'll be looking at besides more of these incidents, is the cover up that the Police Commission is a part of. And I think one of the questions we have got to ask with all due respect, Chief, is what did you know and when did you know it. And to answer these questions in an independent investigation is the only way the citizens of San Francisco who are due honesty, are going to get the truth to this, to the questions that we've been asking for the last nine months. Thank you.

PRES. GIRAUDO: Thank you very much. Yes, ma'am.

MS. ROYALE: My name is Eva Royale and I'm here on behalf of the justice of the Dolores Huerta Coalition. I would like to read a letter that was sent to Mayor Agnos regarding the Huerta case and the Police Commission.

Mayor Agnos: Enclosed you will find a partial listing of the more than 10,000 individuals that were signatories to our petition to have the Huerta case investigated by the Police Commission. Those that signed the petition include a cross section of the San Francisco's diverse communities, all of whom are urging you to ask for a full and complete investigation of the Huerta incident as recommended by the initial OCC finding. Certainly the revelations continue to appear daily in newspapers regarding the improprieties taken with the Achim file has left the public skeptical over how the Police Commission and Police Chief Frank Jordan have dealt with this from the beginning. Closed door meetings without representation and input from those who have sought to correct the injustice of the refusal of the Police Commission to hear the case only increases the distrust in the system of justice in San Francisco and sustains a belief that the whitewash will continue.

I would also like to show you the petitions that were collected during the six week period (indicating). These 10,000 individuals and the 10,000 that they represent urge you to use your authority as directed in the City Charter which gives you the power and duty to organize, reorganize and manage the Police Department. We urge you to conduct a full and complete investigation of the entire Huerta incident.

PRES. GIRAUDO: Thank you very much. Any other speakers?

CHIEF JORDAN: Commissioners, I appreciate the comments that all of these speakers have just made. I would just like to make one comment of my own. That is when this issue first came to light about the alleged missing page, my comment to this Police Commission was that the credibility of the Police Department was at stake in a situation like this and therefore, whether charges were sustained or not sustained, that all of the facts would come out here at the Police Commission. I think it is important that they all do. And I believe when this case comes forward, those that have been sustained and those that have not been sustained. I've heard comments about who is going to testify and who is not going to testify. I'm sure that also Deputy Chief Jack Jordan will be involved in the testimony of this case, even though the Management Control case was not sustained. I know there's two other investigations that are still ongoing. I don't know who else the attorneys will call in here but I'm sure there will be many, many others coming in besides the three supervisors who have sustained charges that are to be determined in terms of whether there's guilt or innocence, and I know there will be some supervisors higher and lower who will be in here talking about this particular case and I for one as I say, would like to have this brought forward in an open, honest forthright way and I hope -- I heard one of the attorneys tonight state that he's looking for an open hearing and the other two are still determining whether they want it open or not. I personally, I do not have the authority to have it open, but my request would be to have it open too to resolve some of the issues we're hearing tonight.

PRES. GIRAUDO: Thank you, Chief.

I don't have, I don't have a specific response to the request with respect to the motion. I expressed my opinion when Miss Stein, I guess I expressed it in the form of a question but I suppose a statement when she finished her statement to the Commission, it is my belief that we need to hear that, hear those other cases so that this Commission too can see what the document says as opposed to what the newspaper say it says.

In addition to that, I don't know about the timing with respect to the OCC and when their investigation is going to be completed. And perhaps there's a legitimate point there with respect to the simultaneous investigation.

We have a what, a motion, we have a meeting to set next week, correct?

MR. GASH: That's correct.

PRES. GIRAUDO: And the concern on the part of Mr. Collins, I believe with respect to discovery.

Do you have any idea how close you are with your investigation, Mr. Langer, this evening, or is that an unfair question to ask you?

MR. LANGER: No, I think it's a fair question. We should be through in approximately two to three weeks, barring any delays.

CHIEF JORDAN: Commissioners, I as Chief of Police, have no objection if there is some concern about citizens who feel that we could have two investigations going and not two separate hearings. I would have no problem with waiting until the second investigation is completed to make a final determination as to how you want to proceed.

PRES. GIRAUDO: Do any Commissioners have a problem with that?

COMM. MEDINA: I do. I have a problem with that, the time lapse in which all of these take place. My preference would have been to go ahead with the July 19th date when we come up against next week.

PRES. GIRAUDO: It's calendared for next week so we can certainly discuss it at that point in time because I think it's inappropriate for any motion at this particular time.

And Mr. Langer, perhaps you can take a close look at your investigation and report to the Commission next week, a progress report in terms of how you are progressing.

RESOLUTION NO. 612-89

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. John Guheen, Attorney at Law representing Officer Fikkers, that the date for the hearing of Police Officer Henry J. Fikkers be continued to August 23, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, is continued to Wednesday, August 23, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT DISCIPLINARY CHARGES FILED AGAINST THE LATE PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT, BE TAKEN OFF CALENDAR

Mr. Casimir Wilson, attorney for the late Patrol Special Officer Adkins said he had spoken with Mr. Gash this afternoon about simply dropping the charges against Officer Adkins and Mr. Gash raised some objections. He said he did not think they were particularly well founded. He said he felt it was some sort of a gesture toward Officer Adkins and under the circumstances it would be appropriate just to go ahead and have the matter dropped completely and that it did not need to be done with any comment

as to the prejudice of the underlying subsequent matter and that he thought it would be a nice gesture in this case simply to have the matter completely dismissed rather than merely taken off calendar.

Mr. Gash said the Department feels that the policy has always been to take matters off calendar. He said in this case they strongly oppose dropping the charges that were filed and really request that the Commission take it off calendar as has been its policy in the past.

Commissioner Nelder said he would say that the Commission's authority at this particular time is to accept the recommendation and go ahead with the motion that has been offered accordingly and seconded. He said the Commission did not know enough about the matter to drop the charges so the Commission will take the matter off calendar and that it can be negotiated by Mr. Gash and the Department so the Commission will move on the motion and the second and he did not feel the Commission had the authority to drop the charges whether the charges are factual or not. He said contrary to all that has been heard here the Commission doesn't know anything until all of the evidence has been presented to it.

Mr. Wilson said that they are not talking about something that is being done with prejudice that they are merely saying that if an officer is deceased he did not see any point of it. He said if they are going to be taken off calendar there is nothing going to happen to the charges they are not going anywhere. He said so it seems just to lend an air of finality he felt it would be appropriate just to dismiss without prejudice.

Commissioner Nelder said that Mr. Gash did not say anything about prejudice he just said to drop the charges so he said he would call of the vote which was unanimous.

RESOLUTION NO. 603-89

RECOMMENDATION OF THE CHIEF THAT DISCIPLINARY CHARGES FILED AGAINST THE LATE PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT, BE TAKEN OFF CALENDAR

WHEREAS, the hearing on the recommendation of the Chief of Police that disciplinary charges filed against the late Patrol Special Officer Raymond A. Adkins, Mission Police District, be taken off calendar was called, it having been set for this date. Patrol Special Officer Raymond A. Adkins was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

WHEREAS, Patrol Special Officer Raymond A. Adkins died on June 7, 1989, and the Chief of Police has requested that charges be taken off calendar; therefore be it

RESOLVED, that the charges filed against Patrol Special Raymond A. Adkins is taken off calendar by order of the Police Commission.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had just one item right now and that is over at the Board of Supervisors. The Department has the budget for the SFPD going them. He said Deputy Chief Willis Casey, from the Administrative Unit, is following up in the Chief's absence because of the Police Commission meeting. He said he has been advised that at this point the recommendations of the Budget Analyst Mr. Harvey Rose looking at 180 million dollars of the Department's Budget starting for July 1, has only seen fit to question about 78,000 dollars of the entire amount which is a good indication of how tight this budget has been. He said he feels that it should go through relatively easy. He said the Board cannot add to the Budget but they can cut further but he believes that the budget will stay very close to what the Budget Analyst Harvey Rose recommends.

RESOLUTION NO. 609-89

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER FREDERICK SCHIFF, MISSION STATION

WHEREAS, the date for the hearing on the appeal of the Chief's suspension imposed on Officer Frederick Schiff, Mission Station, was called it having been set for this date, and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Ms. Margaret Pendergast, Attorney at Law representing Officer Frederick Schiff, that the date for the hearing on appeal of the Chief's suspension imposed on Officer Schiff be continued to July 26, 1989; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Officer Frederick Schiff, Mission Station, is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

(Ms. Carol Seliger especially appearing for Ms. Margaret Pendergast.)

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, said that the Statistical Report submitted by the OCC has some errors and he is submitting a corrected one.

HEARING OF POLICE OFFICER EMILY R. FIELDS, INGLESIDE
STATION

The hearing of the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been set for this date. Officer Emily R. Fields was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-2 of General Order B-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily R. Fields appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

Officer Fields made a plea of guilty to the charges. Ms. Jolicoeur gave mitigating circumstances as to the reasons for the charges against her.

Commissioner Medina made a motion to accept the plea of guilty by Officer Fields and was seconded by Commissioner Lee and unanimously accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Ninety (90) day suspension held in abeyance for 18 months. Officer Fields must enroll in a weight reduction program and must lose 4 pounds per month until she is in compliance with standards set forth in General Order B-1.

Officer Fields shall also be weighed by the Police Surgeon once a month on the 14th of the month, or within three (3) days of the 14th of the month. If Officer Fields fails to appear to be reweighed on the designated date, she will receive a five (5) days suspension for the failure to appear. (No excuses will be accepted for failing to appear to be weighed.) The Department also requests that this matter will be calendared with the Police Commission every

three (3) months for purposes of a Status Report only. If Officer Fields has failed to lose the required weight during the 3 month period, she shall receive a 15-day suspension in addition to any other suspension to be imposed as a result of failing to appear to be weighed.

These suspensions shall be immediately imposed after the Status Report to the Commission and Officer Fields shall be required to continue in a weight reduction program during such suspension. If at the conclusion of the eighteen (18) month period Officer Fields has failed to comply with the weight standards set forth in General Order B-1, any remaining suspension days held in abeyance shall be imposed.

SPECIFICATION NO. 2

Ten (10) days suspension imposed immediately.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 610-89

DECISION - HEARING OF POLICE OFFICER EMILY R. FIELDS, INGLESIDE STATION

WHEREAS, on May 12, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Emily R. Fields, and

WHEREAS, the Commission having heard the matter makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-2 of General Order B-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Emily R. Fields (hereinafter referred to as "the accused") was and is a police officer, appointed after March 17, 1970, employed by the San Francisco Police Department, and currently assigned to Company H - Ingleside Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Procedures and Orders of the San Francisco Police Department;
- (3) The accused is 5'7" tall and by department standards set forth in General Order B-1 has a maximum allowable weight of 165 lbs.;
- (4) On or about August 10, 1988, the accused weighed 231 lbs., which exceeds her maximum allowable weight;
- (5) On or about August 10, 1988, the Police Physician instructed the accused to enroll in a weight reduction program and lose a minimum of ten (10) lbs. per month. The accused agreed to enroll in the program and lose the required weight;

- (6) On or about November 16, 1988, the accused weighed 231 lbs., which exceeds her maximum allowable weight. The accused also informed the Police Physician that she had not enrolled in a weight reduction program. The accused requested to see the Police Physician in about a month and informed the Police Physician that she would lose twenty (20) lbs.;
- (7) As of March 5, 1989, the accused has not enrolled in a formal weight reduction program and has not lost any weight;
- (8) The accused, by failing to enroll in a weight reduction program and failing to comply with the instructions of the Police Physician, has engaged in conduct which constitutes a violation of Section II, Subsection A-2 of General Order B-1 of the San Francisco Police Department, which states in pertinent part:

"2. Female Officers

- a. Members must stay within the assigned weight standards listed below:

b.	HEIGHT	MINIMUM WEIGHT	MAXIMUM WEIGHT
	5'7"	124	165

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (9) The allegations contained in paragraphs 1 through 8 of Specification No. 1 are incorporated by reference as if fully set forth herein;
- (10) On or about August 10, 1988, the accused was scheduled for an appointment to see the Police Physician on or about September 10, 1988 to monitor her progress in reducing her weight;
- (11) The accused failed to appear for her scheduled appointment with the Police Physician on September 10, 1988;
- (12) On or about October 10, 1988, the accused was scheduled for an appointment to see the Police Physician to monitor her progress in losing weight;
- (13) The accused failed to appear for her scheduled appointment with the Police Physician on October 10, 1988;
- (14) On or about November 16, 1988, the accused was ordered to appear before the Police Physician for reevaluation. The accused appeared, was evaluated by the Police Physician and was rescheduled for an appointment on December 14, 1988 to monitor her progress in losing weight;

- (15) The accused failed to appear for her rescheduled appointment with the Police Physician on December 14, 1988;
- (16) The accused, by failing to appear for her scheduled appointments with the Police Physician on September 10, 1988, October 10, 1988 and December 14, 1988, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

--- "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 14, 1989, and on Wednesday, June 14, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Officer Emily R. Fields are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) suspension held in abeyance for 18 months. Officer Fields must enroll in a weight reduction program and must lose 4 lbs. per month until she is in compliance with standards set forth in General Order B-1.

Officer Fields shall also be weighed by the Police Surgeon once a month on the 14th of the month, or within three (3) days of the 14th of the month. If Officer Fields fails to appear to be reweighed on the designated date, she will receive a five (5) day suspension for failure to appear. (No excuses will be accepted for failing to appear to be weighed.) The department also requests that this matter will be calendared with the Police Commission every three (3) months for purposes of Status Report only. If Officer Fields has failed to lose the required weight during the 3 month period, she shall receive a 15-day suspension in addition to

any other suspension to be imposed as a result of failing to appear to be weighed.

These suspensions shall be immediately imposed after the Status Report to the Commission. Officer Fields shall be required to continue in a weight reduction program during such suspension. If at the conclusion of the eighteen (18) month period Officer Fields has failed to comply with the weight standards set forth in General Order B-1, any remaining suspension days held in abeyance shall be imposed.

SPECIFICATION NO. 2

Ten (10) day suspension imposed immediately;
and be it further

RESOLVED, that the ten (10) calendar days suspension shall commence on Thursday, June 15, 1989 at 0001 hours and end Saturday, June 24, 1989 at 2400 hours.

AYES: Commissioners Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Fields:

7:18 p.m. to 7:32 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date. Officer Denis P. Joyce was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Denis P. Joyce appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

Officer Joyce made a plea of guilty to the charges.

Commissioner Medina made a motion to accept the plea of guilty by Officer Joyce and was seconded by Commissioner Lee and unanimously accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Ninety (90) day suspension held in abeyance for 18 months. Officer Joyce must enroll in a weight reduction program and must lose 4 pounds per month until he is in compliance with standards set forth in General Order B-1.

Officer Joyce shall also be weighed by the Police Surgeon once a month on the 14th of the month, or within three (3) days of the 14th of the month. If Officer Joyce fails to appear to be reweighed on the designated date, he will receive a five (5) days suspension for the failure to appear. (No excuses will be accepted for failing to appear to be weighed.) The Department also requests that this matter will be calendared with the Police Commission every three (3) months for purposes of a Status Report only. If Officer Joyce has failed to lose the required weight during the 3 month period, he shall receive a 15-day suspension in addition to any other suspension to be imposed as a result of failing to appear to be weighed.

These suspensions shall be immediately imposed after the Status Report to the Commission and Officer Joyce shall be required to continue in a weight reduction program during such suspension. If at the conclusion of the eighteen (18) month period Officer Joyce has failed to comply with the weight standards set forth in General Order B-1, any remaining suspension days held in abeyance shall be imposed.

SPECIFICATION NO. 2

Ten (10) days suspension imposed immediately.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 611-89

DECISION - HEARING OF POLICE OFFICER DENIS P. JOYCE,
NORTHERN STATION

WHEREAS, on May 15, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Denis P. Joyce, and

WHEREAS, the Commission having heard the matter makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Denis P. Joyce, Star Number 307 (hereinafter referred to as "the accused") was and is a police officer, appointed after March 17, 1970, employed by the San Francisco Police Department, and currently assigned to the Patrol Bureau - Northern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Procedures and Orders of the San Francisco Police Department;
- (3) The accused is 5'11" tall and by department standards set forth in General Order B-1 has a maximum allowable weight of 198 lbs.;
- (4) On or about December 12, 1988, the accused was referred to the Police Physician due to excessive weight. The accused weighed 263 lbs., which exceeds his maximum allowable weight. The Police Physician instructed the accused to begin a weight reduction program and to lose ten (10 lbs.) before his next scheduled appointment on January 17, 1989;
- (5) The accused failed to appear for his scheduled appointment on January 17, 1989;
- (6) The Police Physician contacted the accused and informed him that he was scheduling another appointment on February 23, 1989 and that he was required to lose ten (10) lbs. by February 23, 1989, as part of his weight reduction program;
- (7) The accused failed to appear for his scheduled appointment on February 23, 1989;
- (8) The accused, by failing to begin a weight reduction program, by failing to comply with the instructions of the Police Physician and by weighing 263 lbs., which exceeds his maximum allowable weight, has violated General Order B-1 of the San Francisco Police Department, which states in pertinent part:

"1. Male Officers

- a. Members must stay within the assigned weight standards listed below:

b.	HEIGHT	MINIMUM	MAXIMUM
	WEIGHT	WEIGHT
	5'11"	152	198

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (9) The allegations contained in paragraphs 1 through 8 of Specification No. 1 are incorporated by reference as if fully set forth herein;
- (10) On or about December 12, 1988, the Police Physician scheduled an appointment to see the accused on January 17, 1989 to monitor his weight reduction;
- (11) The accused failed to appear for his scheduled appointment with the Police Physician on January 17, 1989;
- (12) The Police Physician contacted the accused and informed him that he was scheduled for another appointment on February 23, 1989, to monitor his weight reduction;
- (13) The accused failed to appear for his scheduled appointment with the Police Physician on February 23, 1989;
- (14) The accused, by failing to appear for his scheduled appointments with the Police Physician on January 17, 1989 and February 23, 1989, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 14, 1989, and on Wednesday, June 14, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Officer Denis P. Joyce are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) suspension held in abeyance for 18 months. Officer Joyce must enroll in a weight reduction program and must lose 4 lbs. per month until he is in compliance with standards set forth in General Order B-1.

Officer Joyce shall also be weighed by the Police Surgeon once a month on the 14th of the month, or within three (3) days of the 14th of the month. If Officer Joyce fails to appear to be reweighed on the designated date, he will receive a five (5) day suspension for failure to appear. (No excuses will be accepted for failing to appear to be weighed.) The department also requests that this matter will be calendared with the Police Commission every three (3) months for purposes of Status Report only. If Officer Joyce has failed to lose the required weight during the 3 month period, he shall receive a 15-day suspension in addition to any other suspension to be imposed as a result of failing to appear to be weighed.

These suspensions shall be immediately imposed after the Status Report to the Commission. Officer Joyce shall be required to continue in a weight reduction program during such suspension. If at the conclusion of the eighteen (18) month period Officer Joyce has failed to comply with the weight standards set forth in General Order B-1, any remaining suspension days held in abeyance shall be imposed.

SPECIFICATION NO. 2

Ten (10) day suspension;

and be it further

RESOLVED, that the ten (10) calendar days suspension shall be as follows:

Beginning Thursday, July 6, 1989, 0001 hours and ending Friday, July 7, 1989, 2400 hours.

Beginning Thursday, July 20, 1989, 0001 hours and ending Friday, July 21, 1989, 2400 hours.

Beginning Saturday, August 5, 1989, 0001 hours and ending Sunday, August 6, 1989, 2400 hours.

Beginning Monday, August 21, 1989, 0001 hours and ending Tuesday, August 22, 1989, 2400 hours.

Beginning Thursday, September 7, 1989, 0001 hours and ending Friday, September 8, 1989, 2400 hours.

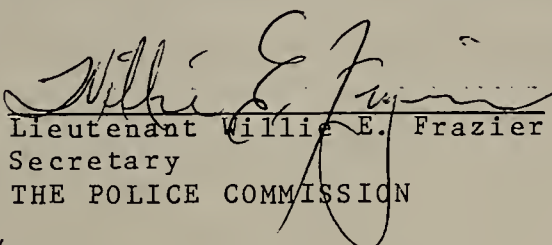
AYES: Commissioners Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Joyce:

7:42 p.m. to 7:49 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The Meeting, thereafter, was adjourned at 8:05 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes
JUNE 21, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, June 21, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

OCT 2 1989

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JUNE 21, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 21, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF MARCH 15, 1989

Approval of Minutes of Meeting of March 15, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 620-89

ALFONZO CURRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfonzo Curry in the sum of \$3,031.24 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 26, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 621-89

PAUL LUCHESSI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Luchessi in the sum of \$1,695.88 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 622-89

CHUBB GROUP OF INSURANCE (INS: DANIEL LOPEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cubb Group of Insurance (Ins.: Daniel Lopez) in the sum of \$1,365.73 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 623-89

BART SHEA vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Bart Shea in the sum of \$1,000.00 entitled "Bart Shea vs. CCSF, et al" in Superior Court No. 870-626 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 624-89

PHILIP M. DAHNKEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip M. Dahnken in the sum of \$622.74 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 625-89

JOHN W. THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John W. Thompson in the sum of \$238.00 for claimant's money which was taken by the police when claimant was arrested and was never returned, be and the same is hereby approved.

Date of Incident: August 22, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 626-89

RAY RUSSO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Russo in the sum of \$165.55 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RUBY L. YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruby L. Young in the sum of \$72.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 2, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in a Closed Session this evening on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Ms. Carole Seliger, attorney for Inspector Anotonio Casillas and also one of the attorneys involved in the Hearing of all of the Inspectors, i.e. McCoy, et al, said she was not there for specific comments on the Public Comments section but she wanted to give the Commissioners dates for Inspector Casillas' availability. She said it turns out that Inspector Casillas is confirmed for leave from July 17, 1989 through July 28, 1989. She said the trial dates would be on the weeks prior and after and instead of the leave being three weeks as they anticipated now it is only two. She said the only other glich that may arise is something that Mr. Bley put on the record the last time the meeting was held and that is his possibility of being in trial on the 13th of July. She said so at this point she thinks that they are set for trial for the 5th of July in the evening and the 13th all day and she is assuming they are going forward with that and that they will not be doing any other special setting until the 13th.

The next speaker was Mr. Carlos Melendez. "I come again before this Commission to once again convey questions that are being asked by any increasing number of people in our city. Why haven't you moved to re-open the Dolores Huerta Case? Why have you chosen not to respond to all of the concerns expressed by speaker after speaker on this case? Ignoring our legitimate questions will not make them go away and now we find ourselves facing even harder questions because of this Commission's indecision. I note that in last week's paper, Police Chief Jordan and Deputy Chief Casey are opening mini-investigation. I don't know what else to call it. Chief Jordan is quoted as saying, 'It's my own way of trying to quietly open it up and see if it relates to the original case in any way.' Are we being asked to believe that the document was removed from Officer Achim's file two days after the Huerta Incident because it did not relate to the issue? I would like to hear some public testimony from the Chief about this mini-investigation that we feel is insufficient, inadequate, ill-advised and possibly illegal. What all of this does is illustrated the impossible situation the Chief finds himself in. He's damned if he does and damned if he doesn't. No one in their wildest dreams could have anticipated the situation we now find ourselves in certainly not Officer Achim nor Police Chief Jordan.

Let me take one moment and articulate the seemingly impossible positions that the Chief and the Police Department are now facing. If this Police Commission does not abandon its wait and see attitude, if this Police Commission does not show decisive leadership we can all expect the following situations to develop and be directly attributable to your indecisions. The Police Department will fragment into factions of support the Jordan Brothers, others will say whitewash and still others will be disgusted by both factions. Police Chief Jordan has now found himself in a situation that would task the wisdom of Solomon. How does he discharge his responsibilities and maintain his effectiveness as a respected leader of all of the Police Force. I submit to you that the only solution is for Chief Jordan to remove himself from these cases and for this Commission to appoint an independent investigator. If you fail to do this, police morale will truly, truly plummet and the ones who will suffer most are the citizens who need to keep faith in a scandal free Police Department. Thank you."

Commissioner Medina said he just wanted to raise one item before the Commission moves forward. He said he wanted this Commission to urge the Mayor to appoint the 5th Commissioner and for the Commission to send a letter to the Mayor urging him to appoint the 5th Commissioner. He said it has been exactly three months and one week that the Police Commission has been operating without a 5th Commissioner and the Charter does call for a woman to sit on the Commission and so he would urge the Commission to send a letter to the Mayor urging him to appoint another Commissioner.

Commissioner Giraudo said he could respond to that. He said he has discussed it with the Mayor and he understands that the Mayor is as anxious as Commissioner Medina has expressed to fill the vacancy on this Commission and he has had discussions with any number of people with respect to assuming the position and has not been successful to date in finding someone who he, as Mayor, would like to have on the Commission that would accept the position. Commissioner Giraudo also said he did not think it was necessary to write him a letter but if Commissioner Medina so wished to direct Lieutenant Frazier to do so then he should do so in a motion.

Commissioner Medina said he would like to make a motion that this Commission direct a letter to the Mayor urging him to appoint someone to fill the position.

Commissioner Giraudo asked for a second to that motion.

Commissioner Nelder said he did not want to second it because he thought that the Mayor knows what his duties are and he felt it was presumptions of the Commission to write a letter to the Mayor and suggest he take action on something that he is well aware that he should do. So as far as he was concerned he would not second the motion.

Commissioner Medina said he had no doubt that the Mayor was aware but he would just like to express concern as a Commissioner that the Commission continues to operate without a 5th member.

Commissioner Lee said he would recommend to the Chair that Commissioner Giraudo, as President, should speak to the Mayor about the Commission's concern maybe that would do as well.

Commissioner Giraudo said he had no problems with that whatsoever. He said the Mayor is out of town now and he had spoken to him about it last weekend, and as he had just expressed, the Mayor is concerned about it as well and he is still in the process of search but he will inform the Mayor that the motion was made this evening and he would inform him of the Commission's concerns.

Mr. John Crew, attorney for the ACLU, asked if he could ask one question on that topic? Mr. Crew then asked if there were any indication of the time frame?

Commissioner Giraudo said he would not speak to the Mayor's time frame and that Mr. Crew should put that question directly to the Mayor. Commissioner Giraudo said the only thing that he knew is that the Mayor has made the attempt and is continuing to make the attempt. He said apparently this is not a position that everybody in town would like to be in.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items other than what is on the calendar tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director, Mr. Michael Langer, said that he had a number of items and last week the Commission asked him to find out the time frame for the complaint that was filed by Diana Lyons. He said he spoke to Diana Christansen who is the investigator on the case and she assured him that barring any unforeseen difficulties that the case will be completed by July 5th and if the case is sustained that the Chief will have it in his hands by the 19th of July allowing for the 10-day waiting period. He said his second item in that once again it is time to request a resolution by the Police Commission that the Z Classification be removed so that he could pay overtime to his personnel for covering demonstrations. He said he would request that the Resolution reads that the Z Classification be removed for all employees of the OCC other than himself.

Commissioner Medina said he would make that motion, Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 613-89

OFFICE OF CITIZEN COMPLAINTS - "Z" CLASSIFICATION

RESOLVED, the "Z" Classification attached to the Office of Citizen Complaints Investigators and other applicable employees, with the exception of the Director, Office of Citizen Complaints, is hereby removed.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Director Michael Langer then said the third item is an update and that Dan Silva is at the Budget Hearings tonight which should be concluded before the Finance Committee. He said the OCC quarterly report in accordance with the Charter requires the OCC also produce a monthly report and he was happy to report that they are switching over to a monthly report. He said the April report will be ready by 28th of August and he also said the second item is the Community Outreach Program as they have had discussions with Community groups and they have learned that some of the information in the report is rather complicated and people were having a hard time deciphering it so what he had done is instructed friends of Commissioner Medina, a number of the Mayor's Staff and various Community Groups to get some input back to the Commission with suggestions for revisions for the report so that the report will be in a manner where people can better interpret the data. He said his last item is that they will be appearing at the Human Relations Commission on June 29th from 6 P.M. to 10 P.M. at the State Building and the focus of their being there is to discuss the OCC's Role in covering demonstrations.

OCC PRO BONO HEARING COORDINATOR'S PRESENTATION OF
PRO BONO HEARING PROCESS TO THE POLICE COMMISSION

Commissioner Giraudo asked if any of the Commissioners had any objections to any of the Pro Bono Hearing candidates? Commissioner Medina said there are no objections but there were concerns in regard to the lack of any minority attorneys being among the people listed. Commissioner Lee said he did not see any Asian attorneys, however he had no objections to the names presented but he would like to have some Asian attorneys added.

Director Langer said the list submitted to the Commissioners was not chiseled in stone as, he said, it was just a beginning. He said they hoped to add numerous people.

Mr. John Crew, ACLU, said that the Bar Association of San Francisco has been helpful in that regard in submitting names and the OCC could target the Minority Bar Association for that purpose. He said there is a number of Minority Bar Associations that might be able also to help in the recruitment so that there is a panel that reflects San Francisco's diversity. He said he would also like to say that the ACLU is pleased to see this process going forward as they view the OCC Hearing Process as a very important investigative tool to get at the truth in these cases and they think it has been vastly underused as there were only six hearings last year. He said they believe there ought to be considerably more hearings and are now pleased to see that this is moving forward.

REQUEST OF THE CHIEF OF POLICE FOR ACCEPTANCE OF AN
EXTENDED FUND FROM THE OFFICE OF CRIMINAL JUSTICE
PLANNING STATE GRANT FOR "GANG VIOLENCE SUPPRESSION"
TO EXTEND THE POSITION OF DATA ENTRY CLERK UNTIL
MARCH 1990

Deputy Chief Willis Casey said this item is a procedural matter. He said the Grant the Department received last year automatically would cancel at the

end of this fiscal year but the monies do not so at no cost to the city what the Department is doing is to ask the Commission by Resolution to extend the Grant for another three months at which time another Grant will take effect.

Commissioner Nelder said he would move approval. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 614-89

REQUEST OF THE CHIEF FOR ACCEPTANCE OF AN EXTENDED FUND FROM THE OCJP STATE GRANT FOR "GANG VIOLENCE SUPPRESSION" TO EXTEND THE POSITION OF DATA ENTRY CLERK UNTIL MARCH 1990

WHEREAS, the Office of Criminal Justice Planning for the Gang Violence Suppression Program had allowed the San Francisco Police Department Gang Task Force to hire a Data Entry Clerk for the period of July 1, 1988 to June 30, 1989, and

WHEREAS, the position of Data Entry Clerk was not filled until February 1988, we are requesting that the Office of Criminal Justice Planning for the Gang Violence Suppression Program extend the position of Data Entry Clerk until March 1990, and

WHEREAS, the need for the position of Data Entry Clerk is extremely important for the documenting of "Crack Gangs" and the inputting of information surrounding "Crack Gangs"; therefore, be it

RESOLVED, the the position of Data Entry Clerk be extended for the period of time requested.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

SETTING OF DATES FOR HEARINGS OF POLICE CAPTAIN WILLIAM N. WELCH, TACTICAL DIVISION, POLICE LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION AND POLICE SERGEANT JAMES B. HALL, TACTICAL DIVISION

Mr. Steve Whitmore representing Lieutenant Tom Lang, Mr. John Rowland representing Sergeant James Hall and Mr. John Collins representing Captain William Welch.

Commissioner Giraudo said he would like to express an opinion with respect to some of the issues that were raised last week by some of the speakers and some who are not here this evening as well. He said it is his personal belief that the Commission should not hear these cases until the OCC investigation is complete so that the Commission does not find itself with a situation, in trial so to speak, and new evidence or allegations or charges are coming forward, in addition, perhaps in terms of these officers and others who may or may not be involved. He said it is his belief that the Commission needs to hear the complete case or cases before dealing with any of the issues that are being raised by speakers, again, this evening Mr. Melendez, who is speaking to indecision on the part of this Commission and he did not view it as a process or a process of indecision but he feels it is a question of decision and that is that the Commission will hear these cases and that the Commission will make a determination with respect to the credibility of witnesses clients and the

document itself which they, as a Commission, has not seen. He said he would prefer to wait for the conclusion of the OCC Investigation and they are told that the Chief will have that by July 19th to see what the charges or cases are if sustained or unsustained comes down from the OCC before these hearings are set.

Commissioner Nelder said he would make a motion that this matter be moved over to the 26th of July for setting of date for a hearing. Commissioner Lee seconded and it was unanimously approved.

Commissioner Giraudo then said to the attorneys for the officers that with respect to the discovery that they spoke of last week, the Commission has asked the City Attorney to work with the Police Department to assure an expedited smooth process so that there will not be any unnecessary delays by virtue of them not getting things that they are entitled to for a fair hearing for their clients. Mr. Collins said that Mr. Whitmore filed a letter with Mr. Gash on behalf of all of the attorneys requesting some particular items and he said he would assume Mr. Gash will notify them in the near future as to his feelings and what the City Attorney's position is and if they need to litigate it they can come back before the Commission before the 19th and do that. Commissioner Giraudo said that they have a commitment and that that would be expedited and they will have their response.

Commissioner Medina said he just wanted to express a concern in regard to the time frame to the incidence which took place in September and moving these three cases plus another one, if it's sustained, is going to carry the Commission into a year. He said so the Commission is getting farther removed from the original event so that is a concern that he has and he would like to move these cases through as expeditiously as possible even though he views the original events as the case that really bears looking into and that the case of the missing document is only a sideline and a small part of that of a larger issue. He said he would urge that the Commission expedite these hearings.

Commissioner Giraudo said he feels that in regard to the discovery stage the Commission has asked the Department to fully cooperate and that the Commission come to a point in the near future by virtue of the OCC Investigation that the Commission have a singular package to deal with rather than have it bifurcated so that they can avoid some of the issues that were spoken to last week by John Crew and others which he feels are legitimate concerns for both, the attorneys' clients and others, the Department and the public.

RESOLUTION NO. 615-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN
WILLIAM N. WELCH, TACTICAL DIVISION - SPECIAL
OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Captain William N. Welch, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the setting of date for the hearing of disciplinary charges filed against Captain William N. Welch be continued to July 26, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Captain William N. Welch is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 616-89

SETTING OF DATE FOR HEARING OF POLICE LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. James Collins, Attorney at Law representing Lieutenant Lang, that the setting of date for the hearing of disciplinary charges filed against Lieutenant Thomas J. Lang be continued to July 26, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Lieutenant Thomas J. Lang is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 617-89

SETTING OF DATE FOR HEARING OF POLICE SERGEANT JAMES B. HALL, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. John Rowland, Attorney at Law appearing for Mr. James Lassart, Attorney at Law representing Sergeant Hall, that the setting of date for the hearing of disciplinary charges filed against Sgt. James B. Hall be continued to July 26, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Sergeant James B. Hall is continued to Wednesday, July 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

STATUS REPORT ON POLICE OFFICER CLINTON COOPER,
PROPERTY CONTROL DIVISION

WHEREAS, the date for the Status report on the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been scheduled for this date; and

WHEREAS, Officer Cooper's physician advised that Officer Cooper is physically limited and that he was expected to take three to four months to recover; therefore be it

RESOLVED, that the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, is set for Wednesday, August 23, 1989 at 5:30 p.m., Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE
OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND
INVESTIGATIONS

Mr. Spolter: Good evening, Commissioners. I'm Jerry Spolter. I'm representing the respondent, Officer Kirley, who the record will show is here this evening, I presume on a motion to request a continuance, since we have requested since last April or March, rather, certain discovery materials I have been assured by Officer (sic) Gash that I would have received by now.

I haven't received anything, and consequently we are incapable of going forward.

The additional comment I'd like to bring to the Commission that I think should be raised, is this charge goes back to October 12, 1986, three (3) years ago, where there was an OCC hearing or, rather, OCC investigation.

Officer Kirley requested a hearing on June 2nd, 1987. He did not get this hearing, he was denied a hearing, and nothing was said again until February 21, 1989 when these charges were filed shortly after the Huerta matter.

Apparently no charges were filed before that, and for some reason someone was told to go back to charge somebody with something in relation to the lawsuit where the City settled the suit relating to that same demonstration.

Officer Kirley was not named in that suit. Officer Kirley was not deposed in that suit, and Officer Kirley, as far as he knows, there is no evidence whatsoever to support the charges against him.

I wanted to bring that before the Commission, I think there should be consideration on the Commission's own order dismissing the charge because of the staleness of it.

And despite the assurances of Officer (sic) Gash, we have not received any of the material. We haven't been told we're not going to get it, but I have no date.

Pres. Giraudo: Let's hear from Mr. Gash.

Mr. Gash: They received our discovery, Commissioners.

What this attorney has done, he's written me a letter requesting me to explain in detail how I'm going to present my case; exhibits, witnesses, everything.

They have received all the discovery which is the basis for this case.

However, approximately one week ago Officer Kirley did tell me that 14 of the tapes that I gave him were erased, so since then I have had no tapes retaped.

But aside from that, I had no idea the discovery that had already been provided to Officer Kirley back in, I believe, April, was in any way defective because they have all the material which is the basis of this case.

It is a misstatement to say that they have not received any discovery.

Commissioner Nelder: The thing that bothers me, if this happened in 1986 how come we're sitting down here in 1989?

Mr. Gash: I understand that, Commissioner, but if you want me to respond to the request based on the time frame, the motion should be writing so the Department can respond to it accordingly, as opposed to this oral thing.

There was a time lapse in terms of the investigation, but part of the problem was there were numerous people being investigated; it came to the Department about two (2) years after the incident did occur, and at that time the Department was still waiting for the other cases that were coming down the pike.

When we found out from the OCC that there were no further officers going to be charged, at that point then the process started for purposes of the charges being filed against Officer Kirley.

And you must keep in mind, Commissioner, there is no correlation to the Huerta case and this case. I take offense for any attorney to make a statement like that when he has no knowledge of the facts as to when this case was assigned for purposes of charges, and what happened in the interceding period of time.

If he wants to make a formal request for dismissal, I would suggest that he put that request in writing, cite his legal authorities and give me an opportunity to respond and cite my legal authorities, and then let the Commission make its decision at that time.

Commissioner Nelder: Let me say this, that I feel very strongly about that.

I don't think that these cases should be, there should be any procrastination. If there's a dereliction of duty of any sort it should be investigated and the matter should be brought before the Chief and to us.

But to wait over the two or three years, I think is absolutely preposterous.

If that's the situation, as Mr. Gash pointed out, why don't you formalize it and submit a complaint in writing so we can entertain your motion to dismiss?

I think it's all wrong if that's the case, and I don't know if it is the case predicted upon what you said.

Mr. Spolter: I appreciate that direction, Commissioner, and I'd like to go one step further.

Regrettably, Officer (sic) Gash wants more time, but with regard to representation to the committee, I would submit three (3) letters.

The letter I wrote on March 30, 1989 to Mr. Gash wherein I did not request him to tell me what his case is going to be. I make a request: "Our firm represents Officer Joseph Kirley with regard to the referenced proceeding. So that we may adequately represent Officer Kirley's interests, please forward the following materials."

We received the response, which again I'll put in the record, from Officer (sic) Gash whereby he says, mind you May 5th, two months after my request:

"This is a response to your letter of March 30 and April 13. A response to your March 30 letter will be submitted to you by May 23rd."

Here it is June 21st and I have not received any response to that. So in terms of asking Officer (sic) Gash to give me his case, on the contrary, my sense is fundamental fairness for an officer that I have known for years and he's just a dynamite pro, and he's being charged today with something that occurred three (3) years ago, and I'm having problems defending this case because we don't have anything but what Officer (sic) Gash and the OCC chose to give us, and not even a response to our letter saying we're not going to give you these.

I'll submit these letters into the record and I'll do what Commissioner Nelder asked, I'll prepare a motion to dismiss and prepare it quickly, and give him an opportunity to respond.

Thank you.

President Giraudo: Do you wish to respond?

Mr. Gash: Only that Officer Kirley did receive the discovery which is the basis of the case that the Department is going to present, and I'll explain why I decided not to respond to his letter.

First of all, this attorney has never contacted me personally. He sent a letter demanding that I respond to him in ten (10) days, the letter saying he wanted all this material.

I'm not going to respond to a letter such as that. First of all, his officer received all the discovery. It seemed clear from his letter that he at no time ever reviewed what the officer received.

Based on the actions by Officer Kirley, it became clear to me that the attorney had never reviewed any of the tapes that were given to Officer Kirley in April in order to see what the basis of the charges were against the officer.

Because, Officer Kirley didn't inform me that those tapes were blank until a week ago. No one played them for the two (2) months that he had the discovery.

And also in that letter the attorney is telling me that he's going on a month's vacation and if I don't give it to him by a certain date --

Mr. Spolter: In all due respect, I will request that the Commission review the last paragraph of my letter of March 30, and I respectfully state --

"So that we may adequately represent Officer Kirley's interests, please forward the following materials:

- (1) Complete copy of entire Police Commission, Police Department and Office of Citizen Complaints files.
- (2) 8 X 10 prints of all photographs.
- (3) Complete unedited copies of all videotape concerning any aspect of this incident in the possession of the Police Department, designating the particular portions which are intended to be used as part of the prosecutor's case."

This is the major portion of the case.

The next thing I asked for was page 3 of the OCC's investigative report, No. 0-1181-86, which was omitted from the original copy provided to us, and a copy of the complaint, because the original handwritten complaint indicates there was probably a change on it.

- "(7) If any civil case has been filed regarding the demonstration which is the underlying subject of the referenced action, please inform me of the title, court and case number of each such case.
- (8) Copy of any written procedures, rules or regulations governing the charges and hearing in this matter.
- (9) The name, current address and telephone number of each witness intended to be called as part of the prosecutor's case, including a brief general summary of the testimony to be given."

We have no idea who the witnesses are, this occurred three (3) years ago.

And No. 10, the last item, a copy of each complaint or summary thereof filed by the complainant, or any witness intended to be called by the prosecutor as to Officer Kirley, or as to any other officer of the San Francisco Police Department.

I don't practice before this Commission that often; I don't know if that's a proper request.

President Giraudo: I don't know whether it's proper or improper, but you're asking for a lot more than the Department normally gives.

I think the constraint is generally -- well, I'm not going to speak for Mr. Gash, but can we respond to that letter?

Mr. Gash: Certainly, Commissioners. I'll make a response.

President Giraudo: All right. So we'll await to receive your motion. You're asking for a --

Mr. Gash: I was going to give a date, August the 30th.

Mr. Spolter: I'm in trial and my client is out of town.

I'm not trying to delay this, but August 14 I have a trial date and August 28, I believe, is a trial date, and September 11.

So we could do it right after September 17, or we could do it maybe in the second week of August.

Mr. Gash: September 6?

Mr. Spolter: I'm out of town.

President Giraudo: Do you have associates?

Mr. Spolter: I do, but I regret to inform the Commission that Officer Kirley is not a man of means, and I'm assisting Officer Kirley on a very limited fee basis, an extremely limited fee basis, and I would not want to impose upon my associates to do that.

In addition, I think I'm the most qualified.

Commissioner Nelder: Did you mention a date in the second week in August? Is there an objection to that, Mr. Gash?

Mr. Spolter: I'm make my motion to dismiss so we can do it as soon as convenient.

Mr. Gash: August 9th then?

Mr. Spolter: I can do it on August 9.

Commissioner Nelder: Move approval.

RESOLUTION NO. 619-89

HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND INVESTIGATIONS

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. Jerry Spolter, Attorney at Law representing Officer Kirley, that the date for the hearing of Police Officer Joseph Kirley be continued to sometime in September; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph Kirley, Traffic Enforcement and Investigations, is continued to Wednesday, August 9, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE OFFICER RICHARD E. PATE, RECORDS
DIVISION - TECHNICAL SERVICES

The hearing of the disciplinary charges filed against Police Officer Richard E. Pate, Records Division - Technical Services, was called, it having been set for this date. Officer Richard E. Pate was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Richard E. Pate appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Ray Roberts for the Defense.

The following witness was called by the Prosecution, was sworn and testified:

Dr. Clayton Parsons, Police Physician

The following witnesses were called by the Defense, were sworn and testified:

Captain Dennis Martel, Company E
Officer Richard E. Pate, Company E

Closing statements were made by both Prosecuting and Defense Attorneys.

After listening to testimony from the above parties, the hearing was continued for 40 days. The hearing will be continued to Wednesday, August 9, 1989, at 5:30 p.m. in Room 551, Hall of Justice. Officer Pate is to return at that time and shall show the Commission he is in compliance with his required weight standards.

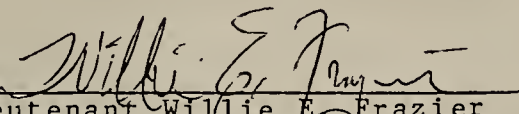
AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Officer Pate:

7:03 p.m. to 7:05 p.m.

(The entire proceedings were taken in shorthand form
by Mr. Clint Miller, CSR, Henderscheid and
Associates.)

The meeting, thereafter, was adjourned at 7:15
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5001M

Minutes
JULY 5, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 5, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

OCT 4 1989

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JULY 5, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 5, 1989 at 1730 hours in a Regular Meeting.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF MARCH 22, 1989 and
MARCH 29, 1989

Approval of Minutes of Meeting of March 22, 1989 and March 29, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 637-89

DENNIS BISHOP vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Bishop in the sum of \$15,500 in U.S. District Court No. C88-0494 FMS entitled "Dennis Bishop vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 638-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweels) in the sum of \$4,135.00 as a result of faulty tows, be and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 639-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendatin of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of \$3,690.00 as a result of faulty tows, be and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 640-89

CSAA (INS: STEPHEN L. DANIEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSAA (Ins: Stephen L. Daniel) in the sum of \$3,959.26 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 2, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 641-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$3,465.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 642-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of \$3,317.50 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 643-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of \$3,165.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 644-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of \$3,145.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 645-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$3,095.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 646-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,920.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 647-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,897.50 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 648-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,830.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 649-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,632.50 as result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 650-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,530.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 651-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of City Tow (Various ToweEs) in the sum of \$2,417.50 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina,, Nelder

RESOLUTION NO. 652-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various ToweEs) in the sum of \$2310.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 653-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various ToweEs) in the sum of \$1,330.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUUTION NO. 654-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various ToweEs) in the sum of \$1,095.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 655-89

CITY TOW (JOHN FRATTI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (John Frattie) in the sum of \$980.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 10, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 656-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various ToweEs) in the sum of \$960.00 as a result of various damages sustained, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 657-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$940.00 as a result of damages sustained, be, and the same is hereby approved.

Dates of Incident: Various Dates

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 658-89

FERNANDO LUIZ C. FACANHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fernando Luiz C. Facanha in the sum of \$687.89 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 659-89

ARTHUR W. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur W. Wong in the sum of \$587.08 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 21, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 660-89

CSAA INSURANCE (INS: LAWRENCE RATTI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSAA Insurance (Ins: Lawrence Ratti) in the sum of \$572.17 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 661-89

RAYMOND ANTHONY SOLOMON

RESOLVED, that the recommendation of the City Attorney for settlement of Raymond Anthony Solomon in the sum of \$384.59 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 662-89

CITY TOW (NHAN NHAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Nhan Nham) in the sum of \$380.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 663-89

THE CITY TOW (PANYA LEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Panya Lee) in the sum of \$345.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 664-89

THE CITY TOW (STYPMAN, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Stypman, Richard) in the sum of \$340.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 665-89

CITY TOW (CHARLES WRIGHT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Charles Wright) in the sum of \$320.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 666-89

CITY TOW (DOROTHY CORENA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Dorothy Corena) in the sum of \$315.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 667-89

THE CITY TOW (RON ALBERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ron Albers) in the sum of \$285.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 668-89

MAUREEN T. D'AMICO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maureen T. D'Amico in the sum of \$278.09 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 669-89

CITY TOW (SUSAN OROZCO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Susan Orozco) in the sum of \$270.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 670-89

THE CITY TOW (LOVRE, TINA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Lovre, Tina) in the sum of \$245.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 671-89

THE CITY TOW (JAIME HURTADO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Jaime Hurtado) in the sum of \$230.00 as result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 672-89

THE CITY TOW (HAL BRANDES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Hal Brandes) in the sum of \$255.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 673-89

THE CITY TOW (HEIDI REEVE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Heidi Reeve) in the sum of \$225.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 674-89

THE CITY TOW (MERVIN WILLIAMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Mervin Williams) in the sum of \$225.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 675-89

THE CITY TOW (DIANE HOFFMAN)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of The City Tow (Diane Hoffman) in the sum of \$225.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 676-89

THE CITY TOW (RAMONA DAVIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ramona Davis) in the sum of \$220.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 677-89

THE CITY TOW (FORD, SHANNON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ford, Shannon) in the sum of \$215.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 11, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 678-89

THE CITY TOW (ANTOINE REED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Antoine Reed) in the sum of \$215.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 679-89

THE CITY TOW (FULLER, DIANA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Fuller, Diana) in the sum of \$210.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 680-89

THE CITY TOW (TADAS WOLFGANE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Tadas Wolfgane) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 681-89

THE CITY TOW (PRAYOON CHANDEELING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Prayoon Chandeeeling) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 682-89

THE CITY TOW (BARBARA DAVIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Barbara Davis) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 683-89

THE CITY TOW (REBAREHAK, DANIEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Rebarehak, Daniel) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 29, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 684-89

THE CITY TOW (POLLARD, LOIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Pollard, Lois) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 685-89

THE CITY TOW (STYPMANN, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Stypmann, Richard) in the sum of \$200.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 686-89

THE CITY TOW (LONNIE DOUGLAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Lonnies Douglas) in the sum of \$200.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 687-89

THE CITY TOW (MATLOCK, JAMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Matlock, James) in the sum of \$195.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 688-89

CITY TOW (HOWARD, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Howard, Richard) in the sum of \$195.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 691-89

THE CITY TOW (CHARLES JEFFERSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Charles Jefferson) in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 692-89

THE CITY TOW (EDNA HAZARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Edna Hazard) in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 693-89

THE CITY TOW (HELEN YUAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Helen Yuan) in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 694-89

THE CITY TOW (MARY CAMPBELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Mary Campbell) in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 5, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 695-89

THE CITY TOW (BRENTYES, HERBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Brentyes, Herbert) in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 696-89

THE CITY TOW (WILLIAM WALLACE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (William Wallace) in the sum of \$180.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 696-89

THE CITY TOW (WILLIAM WALLACE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (William Wallace) in the sum of \$180.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 9, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 697-89

THE CITY TOW (XING, TING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Xing, Ting) in the sum of \$175.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 698-89

THE CITY TOW (THMOSHIGE OKUDA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Thmoshige Okuda) in the sum of \$175.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 699-89

THE CITY TOW (CHARLES PARADISE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Charles Paradise) in the sum of \$170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 700-89

THE CITY TOW (WASSMUND, BEVERLY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Wassmund, Beverly) in the sum of \$170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 701-89

THE CITY TOW (GERALD ROBINSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Gerald Robinson) in the sum of \$170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 702-89

THE CITY TOW (NATIVIDAD AUSTRIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Natividad Austria) in the sum of \$170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 703-89

THE CITY TOW (RAYMOND, RONALD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Raymond, Ronald) in the sum of \$170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 704-89

THE CITY TOW (CORTES, MARTIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Cortes, Martin) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 705-89

THE CITY TOW (EILEEN STONER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Eileen Stoner) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 706-89

THE CITY TOW (JERRY MARTINEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Jerry Martinez) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 707-89

THE CITY TOW (ARNITA JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Patricia Langan) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 709-89

THE CITY TOW (COLLEEN MORENO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Colleen Moreno) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 710-89

THE CITY TOW (SUSANNAH MACKAYE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Susannah Mackaye) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 711-89

THE CITY TOW (LAURA SPERON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Laura Speron) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 712-89

THE CITY TOW (RICHARD MAYER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Richard Mayer) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 713-89

THE CITY TOW (SALLY RICE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Sally Rice) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 714-89

THE CITY TOW (OSCAR ARTIGA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Oscar Artiga) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 715-89

THE CITY TOW (JOSEPH SALVO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City tow (Joseph Salvo) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 716-89

THE CITY TOW (ALLAN MANALO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Allan Manalo) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 717-89

THE CITY TOW (SUSAN EDWARDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Susan Edwards) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 718-89

THE CITY TOW (JAMES EASTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (James Easton) in the sum of \$165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 719-89

WILLIE A. WILLIAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Willie A. William in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this date on a Personnel Matter and no vote was taken. He then said that secondly, he wanted to report that he had conversations today with Mr. Douglas Wright, Deputy Mayor for Planning, with respect to the Mayor's Report on the Taxicab Industry and Mr. Wright told him that the report was actually in draft form and that he would call him tomorrow and give the Commissioner a rundown on timing. Commissioner Giraudo continued by saying when he completes that conversation with the Deputy Mayor then he would speak to the Mayor to see when the Commission can resume action in this regard, hopefully, in the very near future.

(a) PUBLIC COMMENTS

Mr. John Crew, Attorney for the ACLU, said a couple of weeks ago Officer Kirley's case brought up an old issue that he wanted to revive. He said Officer Kirley's case is on hold but he wanted to talk about his case which was brought up by Commissioner Nelder who expressed some legitimate concern about whether or not it is fair to the Officer to bring the case forward after all of that time. He said the ACLU is concerned that it did not hear similar concerns discussed about what that does to the OCC process or whoever filed that OCC complaint two and a half years ago. He said he must point out again as he has in the past that this is not the only case that fits in that category. He said recent OCC reports show that, by his count, 18 cases are pending, some of them are recent cases but at least 7 of those cases were sustained in 1987, 4 of which were Unnecessary Force cases and Officer Kirley's may have been one of those. He said there were 11 pending cases from 1988 and again some of those were from the last half of 1988 but there were other ones from February, April and May. He said again there have been three OCC reports to this Commission in the last three months that reveal this. He said they have brought it up before to the Commission. Commissioners Nelder and Giraudo will remember two years ago when they were on the Commission, the ACLU had a problem with OCC sustained cases. He said first they were lost and then had to be re-constructed and this issue just isn't going away. He said he felt it quite appropriate to express concern about that particular case two weeks ago but there are apparently several others that fit into that same category. He said so they would again request that the Commission take action, first to check on the status of all of those cases to find out exactly what happened and second, he said, he felt this illustrates there is a need for the Commission to formulate some sort of policy,

he didn't think there needed to be a strict deadline as long as they are acted upon within a certain time when OCC sustains a case then clearly there should be some sort of process, regular process, whereby the Commission should be updated and the public should be updated on the status of these cases. He said the OCC process is going to be a sham if cases go and just gather dust, or are lost, or for whatever reason are not reported. So, he said, they would suggest a time policy of at least three months, after the OCC sends a case over to the Department to report back to the Commission what has happened to it, what is planned for it and if there are any further delays that the Commission be updated on a regular basis. He said they have just been through this issue too many times and he would hope that the Commission takes action on this.

Commissioner Nelder said he felt the same as he felt when he originally spoke to this issue and that it is unfair to the investigators, the witnesses and he also thought it was unfair to the officers because even in criminal cases there are statute of limitations and consequently there should be something comparable in administrative cases which he did not know about and which he had never heard about. He said he thinks it is good advice to check these out and let the Commission know what the status is of these cases and how many of them are pending that are pretty stale. He said he thought it was just not a good way to run a business.

Commissioner Giraudo said that he would ask the Chief to come back to the Commission next week with a status report on OCC cases that have been sustained and haven't come before the Commission so that an understanding can be arrived at as to why they are not here. He said he did make a request during the course of last week to Deputy Chief Casey with respect to the case that Mr. Crew had mentioned and he received a verbal explanation over the phone with respect to a number of cases that were revolving around the same incident that there was a desire to bring them all forward at the same time. He said however, he felt that should be formalized in terms of the reasoning and the status of the other cases so that the Commission can at least understand why and take action if necessary.

Chief Jordan advised Commissioner Giraudo that the Department would have a full report next Wednesday night.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had only two items and one was just a report on the Independence Day Celebration yesterday which started about 12 noon out in the Presidio at the Golden Gate Recreational Area and out on the Marina Green and later on in the evening the fireworks display. He said there were between 100 and 150 thousand people and it went very peaceably but there were many people out on the Marina Green using their own fireworks even though it is illegal in San Francisco. He said the Police using their discretion monitored it and handled the traffic flow and did what they could to control the crowds without causing a problem by going in and trying to confiscate fireworks. He said the traffic did not clear the area until shortly after midnight. He said the Department also had to police

a demonstration on July 3rd and part of the morning of July 4th regarding the Abortion issue and the decision handed down by the U.S. Supreme Court. He said the Department expected about 800 people but is escalated to about two thousand. He said this demonstration was handled very peaceably. It started, he said, at 150 Golden Gate and did go to the State Building up at McAllister and Van Ness and that is where the largest of the crowd blocked the entire intersection of Van Ness Avenue. He said rather than moving a very emotional crowd at that time they just diverted traffic around them and left Van Ness Avenue closed. A splinter group, he said, which broke off from this group did cause the Department problems by knocking over garbage cans and newspaper racks and throwing rocks and bottles. And some, he said, sat down at intersections along the way and the department had difficulty containing them as well but eventually only one was arrested. All in all, he said, judging by what happened, there were no injuries that he knew of and that it went about as well as could be expected under the circumstances.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said that he had two items. He said two weeks ago he advised the Commission of the investigation of the Removal of a Document from an Officer's PIP File and that the report would be completed as of this date but they ran into a couple of technical problems which will add two additional days so the investigator should have this case to us by Friday and it is hoped to be completed and a disposition out by Monday morning. He said he thinks with respect to the 26th of July time frame that they are still within the ball park, if in fact they sustain all of the allegations. Mr. Silva, he said, will report to the Commission next week as he (Langer) will be on vacation. He then said the sergeant has in front of the Commissioners the Statistical Reports for April, May. He said two weeks ago he advised the Commission that according to the Charter the OCC is required to issue monthly statistical reports. He said he was now happy to say that after almost six years they are happy to have accomplished that and will be sending out copies to all of the persons on their mailing list. He said one point he would like to clarify is on page 8 of the April Statistical Report and that is that the May Statistical Report shows all of the pending cases, what the charges are, and what date they were sent to the Department and what action was taken.

Commissioner Nelder said he would assume that the Commission would have to consider them individually as they come before them but it seems impractical to him to try cases of even one year to say nothing about cases two or three years old. He said it seems to him it is not bringing police misconduct into line and he felt it did not accomplish anything. He said he also thought it was unfair to punish the officer in two ways. The agony of waiting before the Commission has charges before them for that length of time and he feels that it has to be another way to do that and he would certainly agree with Mr. Crew.

Mr. Langer said they certainly share those concerns and would like to point out that in essence the particular in question case was from 1987 but

they were waiting for the other cases during that time to be resolved and when the other cases were resolved a memo was sent out. He said he would like to go on record saying that he was also very concerned about the complainants and the officers' rights. Commissioner Nelder said he thinks that some of this precedes Mr. Langer's taking over the position. He said he felt Mr. Langer is making a conscientious effort but nevertheless he thinks that cases that are that old they simply bother him to think that here the Commission sits considering a case that is a couple of years old and the officer has either conducted himself properly since then or improperly whatever the case might be and the cases should be adjudicated much sooner before they come up here in two years.

Mr. Langer said he appreciated the fact that some of these matters preceded him but what troubled him was that the OCC seemed to receive the rap all of the time for delaying things when in fact without pointing the finger at anyone else he did not believe that the OCC delayed this in any way shape or form. He said it has been easy to sit back and accept the blame but he did not believe they had the blame coming. He said and while it is not directed at him he believed they had the blame coming. He said and while it is not directed at him he believed it is directed in some cases at the staff of the OCC and they, quite frankly, don't deserve it. Commissioner Nelder said the first thing he has to do is to correct placing any blame which he didn't do. He said he was blaming the system. He said he just thinks that it is wrong to pick up a case and bring it out here a couple of years after the incident. He said there has to be another way to approach it. He said it is impractical and improper anyway to consider and feel that the idea of having a situation where there's misconduct to delay the matter. There are only two ways to correct it and its rapid and the penalty is unimportant as to its severity. The fact of the matter is that it should be brought here swiftly and determined and that is what should have happened. He said he was not saying it is Mr. Langer's fault, the Chief's fault or Management's fault. He said he was simply saying that here the group of them sit and he thinks the group of them should be bright enough to create some sort of a situation which brings these cases in here much faster. He said he was blaming the situation and the system and that there has to be another way to handle it.

Chief Jordan said to Commissioner Nelder that he can guarantee that the Commission will have a report from the Police Department next week so that the Department can explain whatever their point of view is at that time.

Commissioner Giraudo said to the Chief that with that he would suggest that the Chief comeback with explanations as to how the Department and Commission can expedite some of these cases. He said he thinks that Commissioner Nelder makes a good point with respect to what the flow may or may not be and how much is on the plate of Mr. Gash and the work load he has and he was becoming more and more concerned that they are asking a lot from him and perhaps the Administration should be looking to providing him with some extra energy and effort and help. He advised the Chief that the Chief might want to take a look at that during the week as well.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$12,000
TO FUND A NAVY DEPARTMENT LICENSE FOR THE USE OF
THEIR WAREHOUSE

Lieutenant John Robinson addressed the Commission on this item and said it is a continuation of the storage facility the Department uses to store siezed vehicles taken in Narcotics arrests. He said it represents an increase over what was required last year and it is funded from the Narcotic Forfeiture Fund. He said it also represents a savings in cost per square foot. Commissioner Nelder said he felt this was a necessity and he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 628-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION IN THE AMOUNT OF \$12,000 TO FUND A
NAVY DEPARTMENT LICENSE FOR THE USE OF THEIR
WAREHOUSE

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$12,000, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to fund a license to use real property at Hunter's Point Naval Shipyard, the term of the license to be 12 months commencing on July 1, 1989 at \$1,000 per month. The rented property is to be used to store confiscated automobile held during narcotics forfeiture and asset seizure proceeding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO
ACCEPT A GRANT IN THE AMOUNT OF \$140,000 FROM THE
OFFICE OF CRIMINAL JUSTICE PLANNING FOR GANG
VIOLENCE SUPPRESSION (\$105,000 from OCJP and \$35,000
from FY 1989-90 Budget)

Lieutenant Robinson continued with this item also and said this was a grant the Commission had previously approved in the amount of \$35,000 hard cash match and this is to continue this Gang Violence Grant for the fourth year.

Commissioner Nelder said it is a major problem in San Francisco as in other major cities and he was glad to see the Grant being extended. He said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 629-89

REQUEST OF THE CHIEF FOR APPROVAL TO ACCEPT A GRANT
IN THE AMOUNT OF \$140,000 FROM THE OFFICE OF
CRIMINAL JUSTICE PLANNING FOR GANG VIOLENCE
SUPPRESSION (\$105,000 FROM OCJP AND \$35,000 FROM FY
1989-90 BUDGET)

WHEREAS, the Chief of Police has requested for the Gang Task Force to accept a grant from the Office of Criminal Justice Planning in the amount of \$140,000, \$105,000 from OCJP and \$35,000 from the Fiscal Year 1989/90 budget, and

WHEREAS, the OCJP provides \$105,000 and the cash match of \$35,000 is provided by the Fiscal Year 1989-1990 budget; therefore be it

RESOLVED, that the Police Commission hereby approves the request that the Gang Task Force receive a state grant from the Office of Criminal Justice Planning amounting to \$140,000.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 630-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0057 ISSUED TO HOPE PERDUE

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0057 issued to Hope Perdue was called, it having been set for this date; and

WHEREAS, the death of Hope Perdue has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0057 issued to Hope Perdue.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 631-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT #L0008 HELD BY ROGER ABRAHAM

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine Permit #L0008 issued to Roger Abraham was called, it having been set for this date; and

WHEREAS, Mr. Abraham was notified by mail in February 1989, regarding the personal appearance requirement regarding the filing of the 1989 annual sworn statement; and

WHEREAS, pursuant to Article 16 of the Municipal Police Code, effective March 1, 1989, annual sworn statements required under Section 1095 are to be filed no later than May 1st of each year; however, this year only, a grace period was allowed which ended at the close of business, May 31, 1989, but Mr. Abraham failed to file by the end of the grace period; and

WHEREAS, Mr. Abraham was notified by mail regarding a Chief's Hearing to be held on June 6, 1989. This hearing was to show cause why his permit should not be referred to the Police Commission for possible revocation but Mr. Abraham failed to appear at the hearing, nor did he submit a reason or excuse for failure to file the annual sworn statement in a timely manner; and

WHEREAS, Mr. Abraham did not appear at this meeting nor has he submitted his sworn statement; and

WHEREAS, Section 1095 of the Municipal Police Code states: "Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate."; therefore be it

RESOLVED, it is the findings and decision of the Commission that Limousine Permit #L0008 issued to Roger Abraham is hereby revoked.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 632-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT #L0024 HELD BY RAPHAEL HALIOUA

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine Permit #L0024 issued to Raphael Halioua was called, it having been set for this date; and

WHEREAS, Mr. Halioua was notified by mail in February 1989, regarding the personal appearance requirement regarding the filing of the 1989 annual sworn statement; and

WHEREAS, pursuant to Article 16 of the Municipal Police Code, effective March 1, 1989, annual sworn statements required under Section 1095 are to be filed no later than May 1st of each year; however, this year only, a grace period was allowed which ended at the close of business, May 31, 1989, but Mr. Halioua failed to file by the end of the grace period; and

WHEREAS, Mr. Halioua was notified by mail regarding a Chief's Hearing to be held on June 6, 1989. This hearing was to show cause why his permit should not be referred to the Police Commission for possible revocation but Mr. Halioua failed to appear at the hearing, nor did he submit a reason or excuse for failure to file the annual sworn statement in a timely manner; and

WHEREAS, Mr. Halioua did not appear at this meeting nor has he submitted his sworn statement; and

WHEREAS, Section 1095 of the Municipal Police Code states: "Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate."; therefore be it

RESOLVED, it is the findings and decision of the Commission that Limousine Permit #L0024 issued to Raphael Halioua is hereby revoked.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 633-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT #L0047 HELD BY JOHN D. THOMAS

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine

Permit #L0047 issued to John D. Thomas was called, it having been set for this date; and

WHEREAS, Mr. Thomas was notified by mail in February 1989, regarding the personal appearance requirement regarding the filing of the 1989 annual sworn statement; and

WHEREAS, pursuant to Article 16 of the Municipal Police Code, effective March 1, 1989, annual sworn statements required under Section 1095 are to be filed no later than May 1st of each year; however, this year only, a grace period was allowed which ended at the close of business, May 31, 1989, but Mr. Thomas failed to file by the end of the grace period; and

WHEREAS, Mr. Thomas was notified by mail regarding a Chief's Hearing to be held on June 6, 1989. This hearing was to show cause why his permit should not be referred to the Police Commission for possible revocation but Mr. Thomas failed to appear at the hearing, nor did he submit a reason or excuse for failure to file the annual sworn statement in a timely manner; and

WHEREAS, Mr. Thomas did not appear at this meeting nor has he submitted his sworn statement; and

WHEREAS, Section 1095 of the Municipal Police Code states: "Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate."; therefore be it

RESOLVED, it is the findings and decision of the Commission that Limousine Permit #L0047 issued to John D. Thomas is hereby revoked.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 634-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT #L0032 HELD BY ELEANOR MILLER

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine Permit #L0032 issued to Eleanor Miller was called, it having been set for this date; and

WHEREAS, Eleanor Miller appeared in person and stated due to ill health she was unable to file the required annual sworn statement; therefore be it

RESOLVED that it is the findings and decision of the Commission that due to mitigating circumstances, Eleanor Miller was unable to file the required sworn statements and therefore, Limousine Permit #L0032 issued to Eleanor Miller shall not be revoked, providing the required sworn statement is filed.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 635-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT #L0017 HELD BY IVAN J. CHILOLO

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine

Permit #L0017 issued to Ivan J. Chiolo was called, it having been set for this date; and

WHEREAS, Police Officer Linda Flanders, Permit Section, advised the Commission that Mr. Chiolo had appeared at a Chief's hearing and had subsequently followed up and complied with the requirements of Municipal Police Code Section 1095, and

WHEREAS, on motion by Commissioner Nelder that Mr. Chiolo be reprimanded at this time for his failure to comply with the requirements of Section 1095 in a timely manner but since he has subsequently fulfilled his legal requirement, his Limousine Permit #L0017 should not be revoked; therefore be it

RESOLVED, that Mr. Chiolo shall be and is hereby reprimanded for not complying with the requirements of Section 1095 of the Municipal Police Code in a timely manner and request for revocation of his Limousine Permit #L0017 issued to Ivan J. Chiolo is hereby denied.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 636-89

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR,
PERSONNEL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer William S. Taylor be continued to August 2, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, is continued to Wednesday, August 2, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE INSPECTOR FRANK C. McCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of June 7, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Carole Seliger, Attorney at Law representing Inspector Antonio L. Casillas, made a motion to dismiss the charges and was joined in motion by Mr. Stephen Bley, Attorney at Law representing Inspector William F. Kidd. The motion was denied by the Police Commission.

The following exhibits were entered into evidence by the Defense:

- Exhibit A 5-1/2x8" color photograph showing gate and walkway, 1040 Brussels Street
- Exhibit B 5-1/2x8" color photograph showing front of building, 1036 Brussels Street
- Exhibit C Business card of Inspector Marvin V. Dean
- Exhibit D 8x8" color photograph showing front of 1040 Brussels Street with gate
- Exhibit E 5-1/2x8" color photograph showing front of 1032 Brussels Street (Smith)
- Exhibit F Statement of Manuel Floyd dated 1/20/89 bearing #48
- Exhibit G Statement of Manuel Floyd dated 1/20/89 bearing #49

The following witness was recalled by the Prosecution, having previously been sworn testified:

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

The hearing was then continued to Thursday, July 13, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector McCoy:

7:20 p.m. to 7:30 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of June 7, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Carole Seliger, Attorney at Law representing Inspector Antonio L. Casillas, made a motion to dismiss the charges and was joined in motion by Mr. Stephen Bley, Attorney at Law representing Inspector William F. Kidd. The motion was denied by the Police Commission.

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The following witness was recalled by the Prosecution, having previously been sworn testified:

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

The hearing was then continued to Thursday, July 13, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Dean:

7:20 p.m. to 7:30 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been continued from the meeting of June 7, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Carole Seliger, Attorney at Law representing Inspector Antonio L. Casillas, made a motion to dismiss the charges and was joined in motion by Mr. Stephen Bley, Attorney at Law representing Inspector William F. Kidd. The motion was denied by the Police Commission.

The following exhibits were entered into evidence by the Defense:

- Exhibit A 5-1/2x8" color photograph showing gate and walkway, 1040 Brussels Street
- Exhibit B 5-1/2x8" color photograph showing front of building, 1036 Brussels Street
- Exhibit C Business card of Inspector Marvin V. Dean
- Exhibit D 8x8" color photograph showing front of 1040 Brussels Street with gate
- Exhibit E 5-1/2x8" color photograph showing front of 1032 Brussels Street (Smith)
- Exhibit F Statement of Manuel Floyd dated 1/20/89 bearing #48
- Exhibit G Statement of Manuel Floyd dated 1/20/89 bearing #49

The following witness was recalled by the Prosecution, having previously been sworn testified:

Mr. Manuel Floyd, 740 Whitley, San Leandro, CA

The hearing was then continued to Thursday, July 13, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Kidd:

7:20 p.m. to 7:30 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of June 7, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Carole Seliger, Attorney at Law representing Inspector Antonio L. Casillas, made a motion to dismiss the charges and was joined in motion by Mr. Stephen Bley, Attorney at Law representing Inspector William F. Kidd. The motion was denied by the Police Commission.

The following exhibits were entered into evidence by the Defense:

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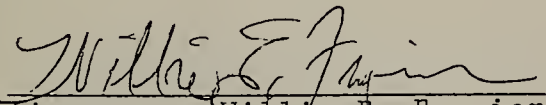
AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Casillas:

7:20 p.m. to 7:30 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

The meeting, thereafter, was adjourned at 8:45 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5045

The following exhibits were entered into evidence by the Defense:

- Exhibit A 5-1/2x8" color photograph showing gate and walkway, 1040 Brussels Street
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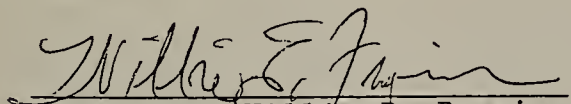
AYES: Commissioners Giraudo, Lee, Medina, Nelder

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The meeting, thereafter, was adjourned at 8:45 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5045

Minutes

JULY 12, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 12, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

OCT 17 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

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JULY 12, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 12, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF APRIL 5, 1989

Approval of Minutes of Meeting of April 5, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the claims against City and County of San Francisco:

RESOLUTION NO. 723-89

ROBERT FLYNN vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Flynn in the sum of \$5,000 in Municipal Court No. 011-624 entitled "Robert Flynn vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 724-89

JANICE HAYNES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janice Haynes in the sum of \$4,000.00 as a result of damages sustained, be and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 725-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$3,442.50 for storage and towing fees, be and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 726-89

CITY TOW (VARIOUS TOWEES)

RESOLVED that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$2,917.50 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 727-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$2,915.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 728-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$2,890.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 729-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$2,880.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 730-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$2,675.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 731-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towes) in the sum of \$2,655.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Dates of Incident: December 3, 1988 -
December 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 732-89

CITY TOW (JOHN JAJEH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John Jajeh) in the sum of \$2,240.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 733-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towes) in the sum of \$2,212.50 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 734-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towes) in the sum of \$1,850.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 735-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towes) in the sum of \$1,827.50 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 736-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the sum of \$1,690.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 737-89

WILLIAM BURTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Burton in the sum of \$1,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 738-89

CITY TOW (JEFFREY LENGSTON)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Jeffrey Lengston) in the sum of \$1,045.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 739-89

STATE FARM INSURANCE (INS: BRIGITTA SONNBERGER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Ins: Brigitta Sonnberger) in the sum of \$947.96 as a result of damages sustained be, and the same is hereby approved.

Date of Incident: April 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 740-89

JOHNNY VELASQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnny Velasquez in the sum of \$914.88 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 741-89

CITY TOW (CATHLEEN GURSO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Cathleen Goursou) in the sum of \$785.00 as a result of nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 742-89

CITY TOW (RICHARD BORVA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Borva) in the sum of \$765.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 743-89

CITY TOW (THOMAS CONDON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Thomas Condon) in the sum of \$735.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: January 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 744-89

CITY TOW (ANTHONY CLARK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anthony Clark) in the sum of \$715.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Dates of Incident: December 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 745-89

CITY TOW (JUDY BECK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Judy Beck) in the sum of \$625.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: September 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 746-89

MARK E. STANGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark E. Stanger in the sum of \$623.65 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 747-89

CITY TOW (ASTIER JONES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Astier Jones) in the sum of \$620.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 748-89

CITY TOW (SHERRIE SMITH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sherrie Smith) in the sum of \$535.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 749-89

CITY TOW (MARGARET REILLY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Margaret Reilly) in the sum of \$495.00 as a result of nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 750-89

CITY TOW (DERRICK ARMSTRONG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Derrick Armstrong) in the sum of \$480.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 751-89

CITY TOW (ROBERT HARMON)

RESOLVED that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Harmon) in the sum of \$455.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 752-89)

THE CITY TOW (MICHAEL ASTROVE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Michael Astrove) in the sum of \$455.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 753-89

CITY TOW (ANNA KARYDAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anna Karydas) in the sum of \$450.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 754-89

CITY TOW (NAI MIN LING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Nai Min Ling) in the sum of \$445.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 755-89

CITY TOW (VIVIAN OWENS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Vivian Owens) in the sum of \$445.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: October 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 756-89

CITY TOW (JACK STEWART)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jack Stewart) in the sum of \$400.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 757-89

CITY TOW (BARBARA GWEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Barbara Gwen) in the sum of \$375.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: October 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 758-89

CITY TOW (ANYA O'KEEFE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anya O'Keefe) in the sum of \$345.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 759-89

CITY TOW (WILLIAM WHITTAKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (William Whittaker) in the sum of \$335.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 760-89

CITY TOW (KATHERINE McDONALD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Katherine McDonald) in the sum of \$315.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 761-89

CITY TOW (CARLOS COLON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Carlos Colon) in the sum of \$300.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 762-89

CITY TOW (LUIS CAHUA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Luis Cahua) in the sum of \$295.00 as a result of nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 16, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 763-89

CITY TOW (JOSE DIAZ)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Jose Diaz) in the sum of \$265.00 for nonpayment of towing and storages fees, be, and the same is hereby approved.

Date of Incident: March 5, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 764-89

CITY TOW (CARLOS RODRIGUEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Carlos Rodriguez) in the sum of \$255.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 765-89

CITY TOW (SAM KARAGAVOORIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sam Karagavoorian) in the sum of \$235.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: March 6, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 766-89

CITY TOW (PAT BEBOUT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Pat Bebout) in the sum of \$235.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 767-89

CITY TOW (LYN RANDOLPH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lyn Randolph) in the sum of \$215.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 768-89

CITY TOW (ISAAC LEAJON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Isaac Leajon) in the sum of \$205.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 769-89

CITY TOW (CLAUS BOCKWOLT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Claus Bockwolt) in the sum of \$195.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Dates of Incident: October 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 770-89

CITY TOW (SUSAN FRINK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Susan Frink) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 771-89

CITY TOW (JACK WHARTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jack Wharton) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 772-89

CITY TOW (JOHN STRAUGHTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John Straughter) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 773-89

CITY TOW (PAT DOHERTY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Pat Doherty) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 774-89

CITY TOW (P. ARCENEAX)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (P. Arceneaux) in the sum of \$165.00 as a result of nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 775-89

CITY TOW (ROBERT BELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Bell) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 776-89

CITY TOW (LYNN GRAND)

RESOLVED that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lynn Grand) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 777-89)

THE CITY TOW (NANCY LAWSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Nancy Lawson) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 778-89

CITY TOW (GORDON HERNANDEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gordon Hernandez) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 779-89

CITY TOW (RICHARD KELLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Kelley) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 780-89

CITY TOW (WILL WOHLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Will Wohler) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 781-89

CITY TOW (GREGORY LEVASSEUR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gregory Levasseur) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 782-89

CITY TOW (JOSE GALARZA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jose Galarza) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 783-89

CITY TOW (RICHARD KIM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Richard Kim) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 784-89

CITY TOW (MOHAMMED MONIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mohammed Monie) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 785-89

CITY TOW (MARYLIN TAYLOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Marylin Taylor) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 786-89

CITY TOW (TONY WU)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Tony Wu) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 787-89

CITY TOW (KATHRYN LITTLEPAGE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kathryn Littlepage) in the sum of \$165.00 as a result of nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 788-89

CITY TOW (DANA HART)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Dana Hart) in the sum of \$165.00 for nonpayment of towing and storages fees, be, and the same is hereby approved.

Date of Incident: December 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 789-89

CITY TOW (ERIC LEOPOLDO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Eric Leopoldo) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 790-89

CITY TOW (JORGE DURON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jorge Duron) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 791-89

CITY TOW (RONALD MANZO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ronald Manzo) in the sum of \$165.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: October 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 792-89

CITY TOW (JIM HANSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jim Hanson) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 793-89

CITY TOW (LAWRENCE BAISLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lawrence Bailey) in the sum of \$160.00 as a result of nonpayment of towing and storage, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 794-89

CITY TOW (JIM EARSHAW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jim Earshaw) in the sum of \$160.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: October 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 795-89

ROCCI SEAMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rocci Seaman in the sum of \$66.30 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 18, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
COMPLAINT FOR REVOCATION OF THE FOLLOWING LIMOUSINE
PERMITS - ASSOCIATED LIMOUSINE OPERATORS: #L0001,
L0002, L0003, L0004, L0005 AND L0006

Police Officer Linda Flanders from the Taxicab Section said that Mr. Ozeal could not be here tonight because of a prearranged business meeting and is asking for a continuance on this until August 2nd. Commissioner Nelder said he would move approval and Commissioner Lee seconded. It was then unanimously approved.

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY FOR THE OPERATION OF
JITNEY BUSES

Officer Flanders also addressed this item and said that on PC&N for the Jitneys, as the Commission is aware, that there are already 16 jitney buses that are in limbo because of lack of insurance. She said at the Commission's request that was held off calendar until the decision of Proposition 103 was concluded. She said Proposition 103 is still in the courts and it is still undecided therefore the Permit Section's recommendation at this moment is that with the 16 of them still in limbo there is no PC&N for issuing anymore applications. She said every applicant on the list was notified of the Hearing tonight. She said she did not know if any were present at this time to address the issue as no one contacted their office so therefore their recommendation is that there is no need for additional Jitney buses. Commissioner Nelder said it appears that the Permit Section's recommendation is to deny the applications and he would move approval. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 721-89

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY FOR THE OPERATION OF
JITNEY BUSES

WHEREAS, the request of the Chief of Police for a hearing on applications for certificates of Public Convenience and Necessity for the operation of jitney buses was called, it having been scheduled for this date, and

WHEREAS, the following are current applicants for Jitney Bus Medallions:

Inghelram, Thomas J.	Reyes, Diosdado S.
DeGuzman, Cirilio M. Jr.	DelaCruz, Eduardo A.
Cabahit, Leonilo S.	Raymundo, Danilo H.
Vasquez, Jose A.	San Juan, Miguel V.
Jung, Edmund L.	Pumpetch, Boonsathien
Panggabean, Jasimar	DeGuzman, Carlito N.
DeGuzman, Alberto	Patjawee, Siripong
Lew, Harvey	Phanthavong, Sakchay

WHEREAS, the insurance requirements as far as vehicles for hire for the entire State of California is still somewhat in question and relates to ballot Proposition 103 of November 1988, which is still in dispute; therefore be it

RESOLVED, that it is the decision of the Commission, based on existing conditions, to deny additional jitney bus permits; and be it further

RESOLVED, that said permits shall be and is hereby denied to the above named applicants.

AYES: Commissioners Giraudo Lee, Medina, Nelder

RESOLUTION NO. 722-89

HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law, representing Officer Wing, that the date for the hearing of Police Officer Rowland Wing be continued to some later date; therefore be it

RESOLVED, that the resetting of the date for the hearing of disciplinary charges filed against Officer Rowland Wing be scheduled for Wednesday, July 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 720-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE CAPTAIN ROBERT M. FORNI, SPECIAL OPERATIONS BUREAU - MUNI TRANSIT DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Captain Robert M. Forni, Special Operations Bureau - Munit Transit Division, as follows:

SPECIFICATION NO. 1

Using abusive language toward subordinated and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section I A.3 of General Order D-9 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Using abusive language toward subordinates and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department which reflects discredit upon the department (violation of Section I A.3 of General Order D-9 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Captain Robert M. Forni is scheduled for Wednesday, July 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met tonight in Executive Session on two Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John O'Brien addressed the Commission at this time and said that he wanted to read to the Commission three (3) letters and he would be as brief as possible. He said the first letter was addressed to Mr. Mike Keys, President of SFPOA. He then read the letter which took issue with SFPOA Bulletin 89-65. The second letter was to the President of the Police Commission which in essence said that the Commission allowed itself to be used when it refused to consider the Huerta matter and that it should rethink its role in government and to retire Chief Jordan and others and totally reorganize the department. The third letter was addressed to Commissioner Pius Lee explaining to him that he was not surprised regarding his vote in the Huerta matter as he was well aware that people of Asian extractions are generally supportive of status quo in their expectations of government. The letter in its final sentence said that "I consider that to support the status quo, is to, in essence, victimize and abuse children." (Copies of all letters are file in calendar file of this date.)

Thereafter, an unknown gentleman commented that Commissioner Nelder had stated at last week's meeting on the delay in bringing complaints of misconduct by police officers to the Police Commission and that it was unfair to the officers. He said also that the Commission and the Chief and the OCC were the system and that they should be devising a plan to eliminate such delays. Commissioner Nelder in response said that he had not only said it was unfair to Police Officers but to the complaints and citizens as well. He said that was the whole purpose of bringing it up as he knew of murder cases that didn't take as long as these cases so as a consequence he was chagrined to sit there and have cases come up before them that are two and a half and three years old. He said so the reason for bringing it up was to institute ways and means to get these cases investigated promptly and forwarded to the proper body at the proper time. He said he had said earlier that no one was to blame because there have been problems over at the OCC for a long period of time. He said the Police Department is also working short handed so as a consequence they may have some answers to offer also as far as their debilitory efforts are concerned. He said, but as far as he was concerned they are inexcusable, the cases should be investigated as soon as they are recorded and brought before the proper body. He said and no alternative is accepted.

Chief Jordan advised Commissioner Nelder that the Department will also have a full report from last week regarding the cases that come from OCC as well as Management Control and the time lines involved. He said he would present that as a part of the Chief's report.

Ms. Diana Lyons said that she has just written a letter to Chief Jordan and did not know if he had received it yet but she brought him a copy of it so that she could at least give it to him before she left. She said the purpose of the letter, and she was not going to read it, is to ask the Chief to recuse himself or to remove himself from playing any role in considering and reviewing or any manner being involved in the interim process that flows from the OCC's findings of charges that she has filed alleging misconduct by the Chief of Command the key officers who commit such. She said it is her understanding that the findings have been served on him, the charging party, and the charged parties. She said that basically places them as parties opposed in this issue and while charges against some of the officers, including Jack Jordan, who were not informed and that the media had done it, were sustained, and that others were not, she said those that were not sustained, the officers would have ten (10) days in which to file for a hearing before the OCC for further discovery and for the purpose of pursuing the investigation concerning an official investigation for cross examination of provided documents once they know what the OCC investigation has already disclosed. She said so the question of whether the case remains open regarding her complaint against the Chief also remains open. She said she submits that the Chief should request that he recuse himself and step aside and let the matter come directly, in fact contribute to bringing the matter directly, to the Police Commission rather than intervening or exonerating himself with his brother. She said she was asking the Chief here publicly, because in the event he declined to recuse himself, she wanted to put the Commission on notice that she was asking them, the Commission who are responsible for the management of the police department who can tell the Chief to recuse himself from any further involvement whether it is with the allegations against the officers, his brother or himself in OCC Case #0550-89 and to compel him to direct it to the Commission for a Special Prosecutor that would be okayed by a full Commission of five (5). She said she would really hate to see this matter stalemated on the entire vote of the Commission resisting individual members or for any other reasons. She said for the instance the debilitary breach and delays that have come to the public's attention through the press at this time. She said for the opportunity to be fair at this time she would ask the Chief to recuse himself and she would ask the Commission to require him to do so. She said and please don't lose the file.

Mr. Gary Cohen, Attorney representing Deputy Chief Jack Jordan. He said he just wanted to express some serious concern and outrage over what was a diversion of a process that is the release of an OCC report which he had not seen or nor the Chief had seen which by law is supposed to be confidential and not disclosed. He said he thinks that is a serious matter and it is not the first time it has been mentioned in this case that confidential material has been leaked. He said he would ask that the Commission investigate the OCC or whoever else

is responsible for leaking this material to the press. He said it is going to be impossible for this matter to be fairly adjudicated.

Mr. John Schomes came forward and said that he had filed two complaints with the OCC and he had spoken to Dan Silva afterwards and he was disappointed as he felt they conducted a very sloppy investigation. He said he really had a very bad feeling about the OCC as they never really attempted to come to the truth of the matter. He said Mr. Silva told him that the OCC had so many complaints that they had no time for his.

Commissioner Giraudo after receiving a clarification of Mr. Schomes name and asked Mr. Silva who was in attendance and representing the Director of OCC to give the Commission a report on this matter at next week's meeting. Mr. Silva advised the Commission that he could give the report this evening if he liked but Commissioner Giraudo asked that it be done at the next meeting. This was acknowledged by Mr. Silva.

Ms. Kathryn Cusick, representing the coalition for Dolores Huerta, said that the coalition means unity and that it is the hope of most of the Commission and certainly the hope of the Department that they, the coalition, will simply go away. She said they gathered 10,000 signatures in just six (6) weeks to give to the Mayor to request that the Huerta case be reopened. She said in another light, the Commission had asked Mr. Silva to come up with a report regarding cases left over in the OCC and that evidently there are some cases that have been pending in the police department for years and years that haven't come to light. She said she had to say that she did not quite understand that the problem is, as it has been stated, being understaffed in terms of pursuing complaints against the police. She said it seems like there are two choices either more attorneys can be hired to investigate complaints against police or they could simply clean up the police department and not have so many complaints which would probably save a lot of money in the budget. She said basically she was here to say they would like a little speed on this issue, that they are not going away and in fact they are gaining more and more support all the time.

Commissioner Giraudo said that he would like to comment on some of the Public Comments at this time. He said as far as Ms. Lyons' request to the Chief of Police, the Commission has sought an opinion from the City Attorney so that the Commission can receive the necessary and proper guidance with respect to the Chief's position. He said this is a very unique set of circumstances and the Commission will have an opinion, the Mayor's Office will have an opinion and the Chief of Police's Office will also have an opinion. He said with respect to the Commission that was made earlier from the Attorney Mr. Gary Cohen, the Commission has also sought from the City Attorney an opinion with respect to confidentiality both within the SFPD and the OCC. He said this is a very serious concern on the part of this Commission as it has continually over the past two (2) weeks read things in the newspaper that they, as Commissioners, have not been privy to and have not had access to because the law basically says that these things are confidential and that you should not have access to them. He said so the Commission has sought the opinion of the

City Attorney with respect to what the confines are within the rules and regulations of both the Department and the OCC to find out what the Commission's powers are or are not with respect to those particular problems. He said with respect to Ms. Cusick's remarks, he said, while he appreciates her sentiment he would simply say that no one expects her and her coalition to go away. He said there is a process that has to be followed and one that the Commission will protect the rights of the police officers involved as well as the citizens involved but the Commission recognized that there is a credibility issue here and it has to deal with it in an orderly fashion. He said he was sorry to say that the Commission is not going to be able to move as fastly or as quickly or as rapidly as she may like but, he said, the Commission will move and that it will hear these cases in an order and fashion that is guaranteed to the police officers and to the complainant as soon as it is lodged. He said he wished that the Commission was spending its time here and elsewhere toward the goals that were set early on when they became Commissioners together as a group with the idea of improving the SFPD because they recognize that the Department, they believe, is a good Department but they know that it does have problems. He said they know these things do take time and the Commission is doing the best that it possibly can and it will do its best to bring all of these matters to resolution in an orderly fashion.

Commissioner Medina said he did want to make a comment for the record as he did before that it was his purpose at the time that the Commission would have directed the Chief to file charges so that the Commission could hear the original case and the vote did not go that way. Furthermore, he said, the moment when it was discovered that the document was missing it was his presence at that point, that just because the document was missing it was sufficient to open the case irrespective of the contents of that particular document. He said again that did not turn out to be the case so he did share the concern in regard to the speed with which this whole matter is heard given that this occurred on September 14th, 1988 and they do not know how long it will take to hear all of the separate cases so he did share the concern that is expressed in regard to the timeliness of hearing this matter.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan advised the Commission that he had two (2) items and the first one is the one that they are discussing at the present time. He said the issue of Dolores Huerta and the missing file or the missing page from the officer's PIP file. He said he only knows at this point what he has read in the newspapers as well that he is surprised at the findings of the OCC and the fact that there have been four (4) sustained allegations against a Sergeant, Lieutenant, Captain and Deputy Chief. He said he was very interested in reading the full text and the exact report so he can see the difference between the report from Management Control and the report from the OCC. He said but as the Commission knows that the normal process is that he will not have access to this report for ten (10) days after the initial statement comes out. He said, so, he was again just reading what he sees in the papers. He said but he did want to emphasize

and it is very important to him that when this first missing page came out a couple of months ago he was very clear during a Police Commission meeting here stating that because of the credibility and the trust of this Department in terms of the public that he wanted to be sure that whether there are sustained or not sustained allegations that the appearance of the officers before this hearing are brought forward, so all will find out exactly what happened or what didn't happen. He said he wanted to be sure that all facts are out in the open as they should be. He said he did feel that there is right now some credibility and integrity problems in the Police Department until this issue is resolved. He said he was also concerned about this whole issue about the possible conflict of interest because now they have a Deputy Chief who also happens to be his brother involved in a sustained allegation. He said now whether it is perceived or real, it has to be dealt with. He said it is very, very important to him that they look at the issue and see exactly where they should go or where he should go from here that is why he to, as the Commission, has consulted the City Attorney's Office to be sure that he can see exactly what can he do in respect to what he wanted to do the last time when he said whether charges would be sustained or not sustained he would bring it before this Commission. He said so he will now have to look at that case within the next ten (10) days or whenever he receives it and make a determination as to who should hear it, whether he as Chief is involved in it, whether he has to make some evaluation to see what is the right way to be sure that the integrity of this Department remains in tact. That, he said, is important to him and that is upper most in his mind as well as the charges to see who is right and who is wrong. He said he did not believe that anything that has been done up to this point shows that there has been any problem with the SFPD in terms of looking at facts, dealing with issues as they are presented, and then following up with what he believes is an honest forthright decision. And, he said, he was going to continue to do so as this case unfolds in the next few weeks. He said, however, he was alarmed and very concerned about the fact that he is reading what he thinks are inferences of exact quotes from the report in the news media. He said he feels that that is important because for him to not have it for ten (10) days, and he is the Chief of Police, and the officers themselves who are involved in allegations of sustained charges have not seen them, and they are coming out in the newspaper, that is something that we all should be concerned about because he did feel that that is a criminal charge there that has to be pursued. He said these are Personnel Confidential Records and they only belong here at the Police Commission or in a Court of Law through legal follow-up. He said he did not know how they are getting out but they are going to have to deal with this issue. He said they are also concerned from his point of view about what he keeps hearing on the issue of his being the Chief of Police to pursue this issue and deal with it head on and to follow up in exactly the way it is going now in terms of bringing it forth before the Police Commission in whatever the proper way the City Attorney deems it appropriate and the fashion, the credibility and the integrity of this Police Department is going to be upheld for the citizens of San Francisco. He said he thinks that is important and he wanted to emphasize it over and over again.

He said he feels that in his 32 years as Chief of Police he has always dealt with the public in an open and honest way and he will continue to do so in this particular case. He said, but, he feels that due process has to be brought forward here. He said the officers, all four of them, should have an opportunity to present their cases not in the news media but here before the Police Commission so it can be decided who is right and who is wrong and where do we go from here. He said he wants to give them that opportunity as he was sure they do as members of the Police Commission. He said this is because he feels there is an awful lot more, everyday, of innuendos and allegations that keep coming out that the police officers themselves and he as Chief of Police cannot make any statements about until he brings it forth to the Commission or in a Court of Law. He said it is unfortunate but that is the only way the police officers can deal with the issues because he knows there is Civil Litigation, there is millions of dollars in litigation and the officers can't speak their minds and they can't chase ghost and shadows in terms of innuendos that keep coming in everyday but he said he will assure the citizens of San Francisco, and he will assure them as Police Commissioners, that they will get every fact that's in this case that they will present it before the Commission and the Commission will have an opportunity to make determination. He said he had one more item and that is the one they followed up with from last week and the question about the Management Control Investigations and they have heard some of the Citizens tonight in the public forum speak about the long delays and the missing reports or investigations something like 27 and he had Deputy Chief Willis Casey from the Administration Bureau who will give the Commission a complete rundown of exactly where they are with all of those cases, their time lines and the fact that they believe that they are as up to date as they possibly can be at this time.

Deputy Chief Casey said that he would deal with one issue at a time and the first has to begin with the article in the paper that claimed that the Department had lost 27 OCC files. He said the article is in error and the Department has not lost any cases. He said he had discussed the matter with Mr. Seth Rosenfeld of the SF Examiner who printed the article advising him that there are many reasons for its inaccuracy and among the reasons are one, that he (Deputy Chief Casey) was on vacation last week and Rosenfeld did not have a chance to check with him, secondly, he said, is that the information that Rosenfeld had was limited because he did not know that prior to Management Control prosecuting cases the Legal Office prosecuted cases so he was merely working from Management Control Records. Deputy Chief Casey continued by saying that he has further advised Rosenfeld that he would finish up the report tomorrow and give him a copy of it and verify Department Records again with the Office of Citizen Complaints but the bottom line is that there are no cases missing. He said secondly, there was a report or document submitted to the Commission out of the Department last week about pending OCC cases. He said, for the record, again it was not completely accurate. He said of the 29 cases that were mentioned, ten (10) are closed and have been returned to the OCC, two of them, he said, hearings have been held and the decisions of the Chief is pending. He said three are scheduled for the Police

Commission. Four, he said, are scheduled for a Chief's Hearing. He said the most recent 10 cases are in the hands of the Attorneys and are being processed prior to scheduling a hearing. He said that is the status of all of the OCC Cases. He said in addition to that they have 17 Management Control Division Cases also pending hearings and also one EEO (Equal Opportunity Office) Case pending. He said these are all of the cases that are pending for prosecution by the Management Control Division.

Chief Casey then advised Mr. Crew that he had sat down with Mr. Rosenfeld for about fifteen (15) minutes and that Mr. Rosenfeld is a very difficult man to convince and if he can't convince in fifteen (15) minutes he did not think he could convince Mr. Crew in two (2) minutes but the Department will have it all documented and there are no missing cases.

Mr. Crew said okay and that's for the missing cases the other issue is what he simply brought up last week was about the delay of cases and what he was concerned about was that this report shows that there were at least seven (7) cases pending from 1987 and perhaps if that report could then correlate directly to the OCC report then they could see from his kind of tally from his side and tallies from that side, the answers to the questions that they are really getting at.

Deputy Chief Casey said there were ten (10) cases in process that the others have been heard and have been returned to OCC two, he said, Hearings have been held and the Decision of the Chief is in process. Three others are scheduled for the Police Commission and four are scheduled for Chief's Hearings. Mr. Crew said what about the seven cases from 1987 and the four unnecessary force cases?

Chief Casey said the early ones, just going down Mr. Crew's record, and Mr. Crew should follow as he goes down the list, closed, returned to OCC, closed, returned to OCC, OCC requested no further action, and a Commission Hearing is on-going right now. In the other case, he said, a Commission Hearing is scheduled for August pending a Chief's decision this, he said, is another case that will be coming here and these are all 1987 cases. Mr. Crew said that so Deputy Chief Casey's figures don't match with the ones that the OCC had put out in April.

Chief Casey said that was right.

Mr. Crew said then he would come back to where he was last week and request that the Commission formalize a policy, with all due respect to Commissioner Nelder here.

Commissioner Giraudo said he did not disagree with Deputy Chief Casey's report and he would like to ask that Mr. Crew meet with Mr. Langer and Mr. Silva and he, Commissioner Giraudo, would like to meet with all parties and find out where they are in error and then they can talk about addressing the issue of processing cases. He said this evening it was reported to him that they had a case that has been pending for 15 months under investigation of which I am going to have to talk to Mr. Silva about. He said so there are a number of issues that are going to have to be worked out but he felt the only way to do that is to get this report in writing and then sit down with Mr. Silva and Deputy Chief Casey and verify where we are and then talk process at that point and time. Mr. Crew said he did not

disagree and he would just like to briefly say he had heard a lot of suggestions about confidential information being leaked and he was not sure about what confidential information they were talking about, he said he just wanted to make it clear that it has always been the policy of this Commission and of the State Law as a matter of fact of confidentiality that disposition information complainants are entitled to be informed of what the disposition is and information that is contained in that disposition letter is in fact public record.


OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Dan Silva, Acting Director of the OCC, said that he had two (2) items to report tonight. He said as the Commission knows the case regarding Officer Achim's PIP File has been completed by the OCC on Monday. He said on Monday the OCC hand delivered the results of that investigation to the named Officers and they placed notification to complainants in the mail on Tuesday. He said he in fact called Ms. Lyons to inform her that it was in the mail and that she should expect to see it and that was done he said because the officers were receiving the findings on Monday and he did not want to have her see it on TV without her receiving notification. He said he had some comments that he was going to express regarding the leaks on this case. Commissioner Giraudo interrupted and said you can do whatever you wish to do but...I want to make it clear that my comment in response to what this attorney said earlier was not directed at both. He said I don't know where they came from I don't know how, he said all he was saying was that they, as a Commission, had asked for an opinion with respect to what the confines of confidentiality are vis or vis the Department and the OCC. He said nobody is making any accusations against the OCC, nobody is making any accusations at this point and time.

Mr. Silva said he was not addressing his comments toward the Commissioner's remarks but what he heard here tonight is that the report has been released to the press. He said he can assure the Commission that that is not the case. He said he just wanted that to go on record. He said another thing he would like to go on record is that when a case is being investigated by OCC he would appreciate the same confidentiality coming from the Police Department about their remarks to the press prior to the OCC interviewing any of the involved parties and there have been some flagrant violations. He said he would like to state also to the Chief, "that because you are a named member of this investigation and you received notification of the finding of the investigation in that role you may come to the OCC tomorrow and read the case." He also said to the Chief, "As Chief you will receive the case after the ten (10) day hold period assuming that the OCC Hearing is not granted. Basically that is it for that matter." He said the second matter is that tomorrow at two o'clock before the Board of Supervisors' Health and Safety Office. He said the agenda as he understands it is to discuss the need for an OCC Attorney and the possibility of sending the OCC cases directly to the Police Commission. He said he understands that there have been meetings being conducted with the various Supervisors and various other individuals so he was not really up to date.

Commissioner Giraudo said the topic Mr. Silva raised is part of a general discussion out of the Mayor's Office with representatives of Supervisors Britt and Hallinan he said with respect to the dilemma that has been the out line with respect to simultaneous investigations and the sustaining of complaints by one or the other agencies or non-sustaining by one or the other agencies. He said so Supervisor Hallinan is following that up in his committee.

As there were no other matters to be discussed on the Commission agenda the meeting, thereafter, was adjourned at 7:12 p.m.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5084M

Minutes

JULY 13, 1989

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, July 13, 1989 at 0900 hours in a Special Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

DOCUMENTS DEPT.

HEARING OF POLICE INSPECTOR FRANK C. McCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

OCT 17 1989

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PUBLIC LIBRARY

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of July 5, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Defense:

- Exhibit H Letter from Deputy Chief Larry R. Gurnett to Mr. Bruce Grosjean, 1/14/88
- Exhibit I Photocopy of envelope addressed to Inspector Frank McCoy from M. Bruce Grosjean and letter dated 12/4/87 with additional page containing signatures of Mr. Grosjean's neighbors
- Exhibit J Police Department Statement Form 871336939, 11/28/87 - Marc Fournier
- Exhibit K Police Department Statement Form 871336939, 11/28/87 - Darwin Rutherford

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Bruce Grosjean, 1065 Brussels Street,
San Francisco, CA
Officer Matthew Krinsky, Company C
Officer Clifton Fogarty, Company C

The hearing was then continued to Wednesday, August 2, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector McCoy:

10:43 a.m. to 10:53 a.m.
11:17 a.m. to 1:45 p.m.
2:55 p.m. to 3:13 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of July 5, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Defense:

- Exhibit H Letter from Deputy Chief Larry R. Gurnett to Mr. Bruce Grosjean, 1/14/88
- Exhibit I Photocopy of envelope addressed to Inspector Frank McCoy from M. Bruce Grosjean and letter dated 12/4/87 with additional page containing signatures of Mr. Grosjean's neighbors
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AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Dean:

10:43 a.m. to 10:53 a.m.
11:17 a.m. to 1:45 p.m.
2:55 p.m. to 3:13 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been continued from the meeting of July 5, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Defense:

- Exhibit H Letter from Deputy Chief Larry R. Gurnett to Mr. Bruce Grosjean, 1/14/88
- Exhibit I Photocopy of envelope addressed to Inspector Frank McCoy from M. Bruce Grosjean and letter dated 12/4/87 with additional page containing signatures of Mr. Grosjean's neighbors
- Exhibit J Police Department Statement Form 871336939, 11/28/87 - Marc Fournier
- Exhibit K Police Department Statement Form 871336939, 11/28/87 - Darwin Rutherford

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Bruce Grosjean, 1065 Brussels Street,
San Francisco, CA
Officer Matthew Krinsky, Company C
Officer Clifton Fogarty, Company C

The hearing was then continued to Wednesday, August 2, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Kidd:

10:43 a.m. to 10:53 a.m.
11:17 a.m. to 1:45 p.m.
2:55 p.m. to 3:13 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, CSR, Henderscheid and Associates.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of July 5, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Defense:

- Exhibit H Letter from Deputy Chief Larry R. Gurnett to Mr. Bruce Grosjean, 1/14/88

Exhibit I Photocopy of envelope addressed to
Inspector Frank McCoy from M. Bruce
Grosjean and letter dated 12/4/87
with additional page containing
signatures of Mr. Grosjean's
neighbors

Exhibit J Police Department Statement Form
871336939, 11/28/87 - Marc Fournier

Exhibit K Police Department Statement Form
871336939, 11/28/87 - Darwin
Rutherford

The following witnesses were called by the
Prosecution, were sworn and testified:

Mr. Bruce Grosjean, 1065 Brussels Street,
San Francisco, CA
Officer Matthew Krinsky, Company C
Officer Clifton Fogarty, Company C

The hearing was then continued to Wednesday,
August 2, 1989, at 4:00 p.m. in Room 551, Hall of
Justice.

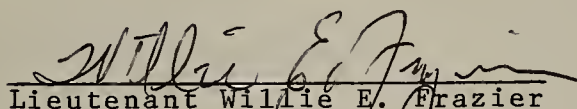
AYES: Commissioners Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector
Casillas:

10:43 a.m. to 10:53 a.m.
11:17 a.m. to 1:45 p.m.
2:55 p.m. to 3:13 p.m.

(The entire proceedings were taken in shorthand form
by Mr. Clint Miller, CSR, Henderscheid and
Associates.)

The meeting, thereafter, adjourned at 4:15 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5070M

Minutes
JULY 19, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 19, 1989 at 1700 hours in Closed Session.

DOCUMENTS DEPT.

Commissioner Giraudo presiding.

NOV 21 1989

1. Personnel Matter

SAN FRANCISCO
COURT REPORTERS

AYES: Commissioners Giraudo, Craig, Lee, Medina, Nelder

JULY 19, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 19, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF APRIL 19, 1989

Approval of Minutes of Meeting of April 19, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 799-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claims of the City Tow (Various Towees) in the sum of \$4,327.50 for towing and storage fees, be and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 800-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$3,015.00 for storage and towing fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 801-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Various Towees) in the sum of \$2,860.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 802-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of \$2,590.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 803-89

KEVIN WM. SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Wm. Sullivan in the sum of \$998.23 as a result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 804-89

CITY TOW (WEBER RODRIQUES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Weber Rodriques) in the sum of \$485.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 805-89

ROSEMARIE ACOSTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosemarie Acosta in the sum of \$429.56 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 806-89

CITY TOW (LARRY PITRE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Larry Pitre) in the sum of \$290.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 1, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 807-89

CITY TOW (SAMUEL LEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Samuel Lee) in the sum of \$270.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 808-89

CITY TOW (VIANNI STASSINOV)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vianni Stassinov) in the sum of \$255.00 as a result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 809-89

CITY TOW (STEVEN GREY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Steven Grey) in the sum of \$250.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 810-89

CITY TOW (SAM SCHNEIDER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sam Schneider) in the sum of \$240.00 for nonpayment of towing and storage fees, be, and the same is hereby approved.

Date of Incident: June 23, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 811-89

MR. AND MRS. LAURENCE BLAIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mr. and Mrs. Laurence Blair in the sum of \$101.18 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: February 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session with the City Attorney on Personnel Matters and no votes were taken.

At this time, Gwenn Craig was welcomed as the new and fifth Commissioner of the Police Commission replacing Gayle Orr-Smith who has been appointed Deputy Mayor. Commissioner Craig was sworn in by Mayor Art Agnos in the Board of Supervisors Chambers on Tuesday, July 18, 1989 at 5:00 p.m. Commissioner Craig has an extensive Law Enforcement background and has been involved in numerous community and social programs. She is a graduate of Mundelein College in Chicago, Illinois with a BA in Psychology and a participant in the Coro Foundation "City Focus" Program, which trains mid-career professionals in the art of leadership in public affairs. The appointment of Commissioner Craig gives further depth and scope to an already hard working and highly scrutinized Police Commission.

(a) PUBLIC COMMENTS

Mr. Jeff Dinkin, SFPOA Attorney who addressed the Commission on the alleged removal of a document from one of the Officer's Personnel File, said the item has been in the newspapers repeatedly and it has caused great concern recently for the members of the Police Officers Association. He said where that concern comes from is from a July 12th, 1989 article in the Bay Guardian which reports that they have a copy of the 53 page OCC Report. He said surprisingly the Bay Guardian also reports that they were given access to a tape of an OCC interview with Deputy Chief Jordan. He said they quoted repeatedly throughout the article from this 53 page report and from the OCC interview with Deputy Chief Jordan. He said furthermore on that date, July 12th, KRON broadcast a story having to do with this issue and it was very clear from that report that KRON also had been given a copy of this 53 page OCC Investigatory Report. He said the facts are clear to them that the only source for the release of this information had to be done by Staff members of the OCC. He said the SFPOA is very concerned about this for a number of reasons, not only is the release of this information contrary to the Charter Stated Function of the OCC but it also violates the OCC's own rules and it is improper and illegal conduct under the State Penal Code; specifically, the OCC Rules states in Section 605 that the records of the OCC are not public records and may not be disclosed to the public. He continued by saying that Section 606.2 says that an investigator's work product

including the investigative file are confidential. He said clearly then the material that was released to the press violates those OCC Rules. Furthermore, he said, the Penal Code states in Section 832.5, 7 and 8 that it is clear that such investigatory materials the investigation of a complaint concerning a Peace Officer's conduct are confidential materials which may not be released except if compelled by court order or under very limited circumstances. He said the release by the OCC Staff, apparently, violated this Penal Code Section. It was illegal conduct and it can be no doubt that the OCC Staff members had to know that this was illegal conduct. The court of Appeals Decision, he said, in June of 1988, concerning the OCC Hearing Rules made clear that this type of material is confidential and may not be released to the public. He said there is no way that this could have been any thing but a knowing violation of not only State Law but the OCC's own Rules and that concerns the SFPOA and its members very much. He said the Attorney General of the State of California in an Opinion of July of 1988 said that the Penal Code Section that he (Mr. Dinkin) was referring to are there to, in part, protect the privacy rights of Peace Officers. He said that Opinion also tells them that the OCC has a statutory duty to protect the confidentiality of this type of material. He said the Charter Provision which set up the establishment of the OCC clearly states that one of their functions is to fairly and impartially investigate, by their Staff, complaints against Peace Officers. He said by releasing this material to the Press it calls into grave question the OCC's continuing ability to act fairly and impartially in their function of investigating complaints. What other reason, he said, could there be for releasing those materials to the Press other than to prejudice the process relating to these Peace Officers. This kind of action by Staff members of the OCC tells everyone that there is an underlying inability to fairly and impartially investigate as is their function. The Police Commission, he said, under the Charter has the power to manage the OCC and we would hope that the Commission would take as serious a view, as they do of this very improper conduct. He said it calls into question the confidence in the OCC's ability to function, not only by members of this Department, but also it should call into action the question also by members of the public. He said there has to be steps taken to stop this kind of behavior of the OCC in the future this type of knowing, improper and illegal conduct by Staff members in releasing these confidential documents. He said if they cannot trust the OCC to maintain the confidentiality as required through their own rules and under State Law how can they trust the OCC to carry out their function of fairly and impartially investigating complaints. He said how can Peace Officers be asked to fully and candidly cooperate with the OCC knowing that their statements may very well show up on the news that evening when they give those statements under the impression that the OCC will act properly and respect the confidentiality of those materials. He said they can't. He said he thinks that the Police Commission in their role as managers of the OCC has to take steps to assure that this conduct does not occur in the future and that proper steps are taken to deal with this transgression as it has occurred. He said the SFPOA has four (4) requests that they take most seriously and which they would like the Police Commission to endorse and those demands or requests are as follows: (1) "We would like this Commission to

appoint a Special Investigator to determine how this document or these documents, the 53 Page Report and the Tape of the Jordan interview at the OCC, how they were released. (2) Who did it and what steps can be taken to stop this improper and illegal conduct. We would want this investigator to report back at the next Commission meeting or as soon as possible thereafter and report their findings to this Commission. (3) We would like this Police Commission to then work with the OCC to develop an adopt procedures to stop or assure as best as possible that this type of improper and illegal conduct does not re-occur in the future and to take appropriate action against the individuals who engaged in this conduct. (4) And finally, because of the most serious nature of this transgression and because of its calling into question the ability of the OCC to perform their underlying functions of fairly and impartially investigating complaints, they would ask that this Commission order that the OCC suspend any further investigatory functions until such time as this investigation report is released and until such time that steps are taken to assure that these types of breeches of confidentiality, this type of illegal conduct does not re-occur in the future." He said it is only if the Commission will do this that they can feel comfortable with the OCC's ability to fairly and impartially conduct their business. He said they most strongly request that the Commission adopt these four (4) recommendations.

Mr. Frank Del Campo said that he believed it was incumbent upon him as a representative of Local 790 to offer some views at this time. He said he respected the SFPOA, the Counsel and the advise they have been given. He said he is, however, proud of their members in the OCC who are members of SEIU Local 790 who he believes perform a very important and difficult function to this Commission and this Department and this city. He said for that reason he said they will have and should not be judged before hand and to only be judged after proper investigation and to have those to be considered in an impartial manner. He said in that regard they will be providing the same vigorous and determined representation on behalf of any of their members of Local 790 and they fully support them until such time as they have been found guilty of any transgressions.

Mr. Dan Shannon, Attorney ACLU, said Mr. John Crew of the ACLU is on vacation. He said he wanted to address the City Attorney in the matter of the question of who can file charges or potential charges arising out of the missing document out he did want to say one thing about the other comments and that is as serious as this allegation is about disclosure of confidential documents he said he thinks it would be inappropriate to suspend the entire investigatory function of the OCC. He said that would be condemning the entire institution when you don't even know when it was from anyone inside or outside or who or how many people. He said he thinks that would seriously prejudice the rights of the citizens in this community to have a functioning OCC. He said he would now turn to the City Attorney's Opinion which essentially says that Chief Jordan can recuse himself from the situation if he wants to, and poses two alternatives, appointing of subordinates to carry on the function of deciding whether or not to prosecute or to file charges. He said they have two objections to that Opinion and one is substance. He said procedurally they

agreed with the United Farm Workers Division that there is a conflict of interest for the City Attorney to even render an Opinion on this matter. He said it is inappropriate because the City Attorney's Office is the very same officer that is representing the Department and the city in defense of the Huerta Case and at the same time is asked to render an Opinion which may effect the likelihood of Disciplinary Proceedins in which evidence which may be relevant to the Huerta Case. He said in terms of City Liability it is likely to be disclosed, or illicited, in particular, the issues of whether there was an absence of supervision, training or failure to prevent the injury and the subsequent cover up may all be issues relevant to the merits of the City's Liability on the Huerta Case. He said for the City Attorney to opine on procedures which may effect whether or not that evidence comes out he said he thinks it at least creates an appearance upon whether there is an actual conflict of interest. He said substantively they agree that the Chief should not be put in a position of having to make this decision as to whether or not to file charges. He said the issue is who should make that decision and what to do from here. He said the Opinion suggest that the Chief or the Commission can delegate that function to subordinates, somebody else, some other officers within the Department. He said he thinks that Opinion is absolutely inconsistent with the Opinion rendered by the City Attorney on February 14th and then again in June in another letter Opinion which essentially concluded that only the Chief can make that decision and perform that function. He said the City Attorney opines earlier that neither the Chief or the Commission can delegate that authority to anybody else and now there is an opinion that says the Chief can. He said the City Attorney has essentially created an exception in this case because of the problem of the conflict of interest and in resolving that conflict he chooses to say that it is okay to appoint a subordinate. He said but appointment of a subordinate, either an individual officer, or a committee of subordinate officers, will not cure the conflict because no matter who it is if it is somebody within the Department and below the Chief they will still be under the Chief who has already expressed his opinion on the merits of this particular matter. He said he thinks it is untenable to think that somebody would be entirely independent just because they were normally appointed by the Commission for this one matter when in reality they are still subordinate to the Chief in all other respects. He said further more the allegations are serious, they reach the higher ranks within the Department and people who are likely to receive that delegation will probably be colleagues of those who are accused, or those close in rank to those who are accused. He said again he thinks the appearance of impropriety exist in that situation. He said no doubt that if it does take the course suggested by the City Attorney and the subordinate concludes that the charges will not be filed the public will still smell a white wash. He said the appearance will not be obviated by it but it will certainly suggest it. He said they think that the only thing to do in this situation is to have this Commission, as they suggested all along, exercise its independent power to make the decision and not have it delegated to an official.

Mr. Jerry Cohen, Attorney for Deputy Chief Jordan, said he just wanted to amplify on the remarks about the leak of this confidential report, particularly his concern is how can his client now get a fair hearing in light of what has happened. He said the Deputy has a right to request a hearing before an impartial hearing examiner within the OCC process. He said how can an impartial examination of this matter by anyone occur in light of the publicity that has already taken place. He said must his client and himself consider whether to avail themselves of this right the likelihood of which the results of any such hearing will be broadcast on the evening news and printed the newspapers. He said it make it impossible for him to make the decision whether to exercise that right in an atmosphere that has freely been feared that whatever happens in that subsequent investigation will also be in violation of the OCC Rules and Procedures and State Law. He said all of that is true regardless of how it happened. He said it happened before and it could happen again. He said how can who ever is delegated to make the decision whether to bring these very serious charges that has occurred. He said it is important to recognize that this report that has been made public consist of testimony from witnesses, uncross examined, unsubjected to all of the fair proceedings of due process as they are known in this country and really represents the weight more than the weight of someone's opinion. Now, he said, its been given the perimeter of the media and it makes it, it seems to him, to be impossible for anyone to now look at this in a fair and impartial manner and say I conclude that the OCC has made a mistake here and the charges against Deputy Chief Jack Jordan are unfounded. He said so he thinks that the damage has already been done and it is now impossible for Jack Jordan to get his fair due process rights. He said he would agree that this Commission should investigate how this occurred in order to prevent this occurring in the future.

Mr. John Schomes, who said he was here last week and he thought the OCC had done a poor job in investigating his complaint and he was here tonight to ask the Commission to make the OCC do a proper job.

Commissioner Giraudo said he believed that Mr. Schomes had made his point and he expected to hear this evening from the OCC about his case. He said the Commission had asked Mr. Silva at last week's meeting to comeback with a report in this matter.

Ms. Barbara Attard who was sitting in for the Director of OCC said that she was sorry she did not have a report but she would make certain there is a report available next week.

Commissioner Giraudo advised Mr. Schomes that Mr. Silva who is out on disability leave and he was supposed to be here this week with that report but since he was not, the Commission offered his apology to Mr. Schomes.

Mr. Schomes said it was no problem and hoped it could be heard two weeks from tonight. The Commission assured him that it would be on for that time period.

After Public Comments, Commissioner Giraudo said: "I think it appropriate for a response to the issues that have been raised this evening in particular at this point with respect to the OCC and the question of the Investigative Report, the 53 page report and allegedly a tape being given out to the press. We, as you know, had sought an opinion from the City Attorney prior to actually knowing that the entire document had been released with respect to the parameters or confidentiality for the OCC and we have received that Opinion and we have been told that in fact these documents are considered to be confidential documents. In turn we have also been informed that the process that needs to be followed is that initially an internal investigation be made under the auspices of the Director of the OCC. And what I have determined that we need to do initially, is to appoint a Committee of two of this Commission, Commissioner Nelder and Commissioner Medina, to oversee that investigation that should commence tomorrow with the arrival of Mr. Langer back from his daughter's wedding. And it is my understanding that some investigation has taken place or some interviews under the auspices of Barbara Attard. I am asking both Commissioners Nelder and Medina to meet with Mr. Langer and to oversee that investigation and bring back to the Commission their conclusions as well as that of the Executive Director. At the same time I would ask this Committee of two also, not only to oversee that investigation but during the course and process of that investigation meet with both members of the Staff and the Administration of OCC and members and the Staff in Administration of the SFPD to make recommendations to this Commission that speak to two other issues as well. The first of which is the performance of both the OCC and the SFPD with respect to these types of investigations and further cooperation between those two organizations and also to look into the concern about the expediting or the expedition of cases that come through the OCC to the SFPD and to make recommendations with respect to that as well. But the first charge and foremost is to oversee the investigation and to proceed on that in a timely fashion with Mr. Langer commencing tomorrow. And I would like a motion to that effect."

Commissioner Lee: "So move."

Commissioner Giraudo: "Is there a second to that?"

Commissioner Craig: "Second."

Commissioner Giraudo: "All those in favor?"
(Unanimous Ayes)

Commissioner Giraudo: "Alright, so moved."

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan:

"Commissioners, the one comment I would make at this point will be dealing with my issue of the City Attorney's Ruling and the recommendation I asked for Opinion to see exactly how I fit in to the second phase which is the missing page and how I can now look at the OCC report that has sustained four (4) individuals for charges including Deputy Chief Jack Jordan. Normally I would not step aside in a normal situation, situation I feel it is my responsibility

as Chief of Police to not delegate any kind of authority and take the responsibility particularly when it comes to discipline and deal with it myself. But because of extenuating circumstances, as I mentioned last week, it is critical that the credibility of the Police Department is just as important as this particular case. And I do not want to give the perception of any kind of conflict of interest even though it goes against the grain for me personally not to take responsibility. I am going to do so. I am going to recuse myself from this case because I feel it is the only proper thing to do under the circumstances. And I have looked at the options the City Attorney has given to me and the one that I feel that is the most appropriate is with the options in terms of possibly giving it to someone who is a Deputy Chief or some group in the Police Department that I would actually designate myself in order to, again, further reassure the citizens of San Francisco that this is going to be a fair impartial evaluation of all the facts. That one of the options given by the City Attorney's Office was that I could ask the Police Commission on my behalf to select someone from within the Department, whoever you deem appropriate, to check the Office of Citizen Complaints Investigation of which, by the way I have still not seen nor do I intend to see, because I do not want to further cloud the issue in terms of any possible conflict of interest or interference with anyone who might handle this particular case. I have been advised that the only way that I can see it is because I was named originally, too is that I would have to sign an oath of confidentiality which at this point seems to be ludicrous. I do feel its very, very important that you take the responsibility of selecting someone, therefore, the citizens will know that I am definitely not going to get involved in the process in any manner shape or form. That the due process of the officers, hopefully, will be resolved in that manner along with the resolution of however this investigation is going to be conducted with the OCC. And I will step aside totally from this particular case and let you select whoever you deem appropriate to handle the follow-up of the OCC investigation whether they sustain it or whether they feel it is not proper, whatever they want to do, I will let them decide without any interference from me whatsoever."

Commissioner Giruado: "Are there any questions or comments?"

Commissioner Nelder: "No, I would simply make a motion that we permit the Chief to recuse himself from making this determination and continue this matter for one week to appoint or designate another person to make the investigation and the recommendation to this Commission."

Commissioner Lee: "I second the motion."

Commissioner Giraudo: "All those in favor?"
Commissioners Lee, Nelder, Craig, Giraudo
-- Ayes.

Commissioner Giraudo: "All those opposed?"

Commissioner Medina: "I would like to register a NO VOTE. My NO VOTE is based on the fact that I happen to agree that the Charter vests the Chief of Police with exclusive powers to verify and file complaints of misconduct. And also I had expressed concern in regard to the City Attorney's

Role in giving opinions in these situations. My preference would be for the Chief to file charges against Officer Achim without taking into account the fact that either the content of the documents or how the information came to be removed just the fact that certain information was removed and not at the disposal of the Chief when he made his decision to me was sufficient to request the Chief to file charges against Officer Achim who is entitled to a timely hearing and to a full share of Due Process which I think he is not getting in this case because he has not been heard before this Commission. Given the fact and, again, also taking into account the amount of time that it is going to take to hear the matter of the four (4) persons charged and how far removed that would be from the original events of September 14th that concerns me so I have to vote NO on this particular motion."

Commissioner Giraudo: "Alright, we have a 4 to 1 and I would like to speak to the NO. I support the motion of Commissioner Nelder on that basis that I believe that the Charged Officers are also entitled to their due process. And I believe that if we were to turn immediately and re-open the Achim case if you will that we would, tacitly be saying that the four (4) officers or the three (3) that have been charged and the one that may be charged are guilty, prior to any hearing or prior to any cross examination of the witnesses and prior to the development of any facts before this Commission and I think that the error, if all, has to be to an over abundance of caution to protect those police officers' rights just the way I would intend and hope that we would do for anybody involved at the OCC in the leakage of documents. That is why we have chosen to follow the process that we have chosen and that is to conduct that internal investigation and to try to keep this situation under a rational process and procedure that guarantees all those involved their due process under the law and I am pleased to vote for the motion and it carries four to one. Did you have any thing else this evening Chief?"

Chief Frank Jordan: "No Commissioner, other than I would just like to make further comment too, on Commissioner Medina's request. And I feel again too, that the due process is critical all the way across the Board here and that to move right into the Achim case at this time would not, to me, give the opportunity for the four accused officers to have their due process. We have to take one step at a time to evaluate what the cases show and by passing it right straight to the first case we would automatically make them guilty which I feel would be improper and I wouldn't do it."

Commissioner Giraudo: "Alright, thank you Chief."

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Barbara Attard, appearing on behalf of the Director of the OCC, welcomed new Police Commissioner Gwenn Craig. She said as Commissioner Giraudo said earlier Director Langer is on vacation and Dan Silva is out ill so she was acting Director until Mr. Langer returns. She said she had several items. In regards to OCC Case #550-89 filed by Diana Lyons, a case that has been in issue here tonight, she said she just wanted to say that they

strongly urge the Police Commission to have this case presented to the Police Commission along with the Management Control Case. She said the Commission had stated at a previous meeting that it was waiting until the OCC investigation is completed to hear the Management Control Case so that it could review them together and compare the findings and go from there.

Commissioner Giraudo said that, "no", he did not think she was correct that she was quoting incorrectly and what the Commission had said was that it would not take any action with respect to the Management Control Division's allegations and specifications of sustained cases until the OCC process was completed in the event that more officers were charged or less officers were charged and that the Commission would go through the normal process of having the Chief of Police or now the designee of this Commission who would make the determination whether or not if there were additional people charged would come before this Commission. But, he said, the Commission did not want to have a set of hearings only to turn around and have another set of hearings. He said this Commission is not going to be doing a comparison of the investigations. He said he just wanted to make that clear as it was outside the realm of this Commission.

Ms. Attard said that she understood but she just wanted it on record that they strongly urge that this case be presented before the Commission. She said the second item tonight is regarding OCC cases that have been forwarded to the Police Chief for discipline. She said they received a listing of cases from Deputy Chief Casey which included a list of 110 cases. She said their statistician, Irene Rapoza, is reviewing all of these cases and she has prepared a letter to the Commission in the near future as to her findings.

Commissioner Giraudo said that the Commission's hope was, and he thought it was stated last week, that there would be an opportunity for the two (2) Departments or Agencies to compare their findings with respect to the allegations that have been made with respect again to expedition and that is another of the charges that the Commission has put to the Committee of two to look into. He said so he would hope that Commissioners Nelder and Medina would have both the report that Deputy Chief Casey has prepared which has been distributed to the Commissioners and Irene Rapoza's and hopefully meet with both of them to see what it is or what these differences are that is being spoken to or what they have been speaking to.

Ms. Attard said the next item she had is regarding OCC monitors at demonstrations. She said there have been several incidents in which there were problems between police officers and OCC monitors at demonstrations. She said the most recent involved herself. She said Dan Silva received a request from Commissioner Giraudo through Lieutenant Frazier asking for a report on that incident. She said Mr. Silva is absent and can't provide the Commission with a report. She said what she had brought here tonight is a letter from Michael Langer to Chief Jordan about the incident and a statement from her about the incident. Chief Jordan, she said, has assured her that there will be an investigation into the Police Department of the

incident as an L-1 violation. She said that report should be coming to the Police Commission if it is found that there is misconduct involved. She said so the documents will be given to the Commission which are now in the Commission's Secretary's hands. She said her last item is regarding the newspaper reports alleging that there were leaks in the OCC's 53 page report. She said she wanted to assure the Commission that the OCC is as concerned as all of the members of the Commission are about the possible leak and as the Commission mentioned earlier and will look into the matter and they will certainly meet with Commissioners Nelder and Medina on this issue. She said one thing that they are very concerned about is that issue of a leak be kept separate from the issue of the case itself.

Commissioner Giraudo said there is no question that this Commission is not interested in mixing the two issues. He said but it is a very serious issue and that is why they have gone to the extent of appointing a Committee of two to look into the issue. He said he did not think that this Commission needs that kind of reminder as it wants very much to do what is right by the officers and by the OCC to re-establish both the credibility of the OCC and the SFPD. He said they were keenly aware of what the problem is and that is why they are seeking a solution.

RESOLUTION NO. 796-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN ROBERT M. FORNI, PATROL BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Captain Robert M. Forni, Patrol Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Ms. Carole Seliger, Attorney at Law representing Captain Robert M. Forni, that the date for the hearing of disciplinary charges filed against Captain Forni be set for November 1, 1989; therefore be it

RESOLVED, that the date for the hearing of Captain Robert M. Forni is set for Wednesday, November 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Commissioner Giraudo: "Before we go on to the next item there were a couple of announcements that I needed to make that I didn't make in addition to what we were dealing with. First off in addition to the Committee of two with respect to the OCC and SFPD I am asking that Commissioner Craig and Commissioner Lee become a Committee of two to look into the Status of Women in the SFPD with respect to promotion to ranks of Captain and Deputy Chief. That is the Status where they stand today and where they can be in the future either under present standards or whether or not it would be on a fast track. There have been a number of issues raised much correspondence received and it behooves this Commission, at least to inform itself, by meeting with the Administration of the Police Department and with various groups within the Department to make

those determinations, recommendations to this Commission. The other announcement that I would like to make is that next Wednesday the Commission will be taking up the issue of Taxicabs under PC&N for a final determination. The Mayor's Report has been done in draft form and I have been informed and will inform the rest of the Commission as to those results. And so we will be taking that up at our next meeting.

Mr. Dinkin: "Mr. Chairman, may I ask briefly if you would re-open Public Comments later on the subject of your previous motions. We would request that you include the POA among the group to submit recommendations."

Commissioner Giraudo: "The Committee of two will certainly contact the Officers for Justice (OFJ), the POA and every other organization that exist within the SFPD. I would be very surprised if they didn't. It is not confrontational, it is informational."

Mr. Dinkin: "Yes, we have a direct interest in this."

Commissioner Giraudo: "I know you do and this Commission has a direct interest in trying to learn these things and I am sure that they will be contacting the POA."

Mr. Dinkin: "Okay, I was referring to your motion about the kinds of promotion, things in the Department whereby the POA will have some involvement in."

Commissioner Giraudo: "You mean with respect to the investigation of the OCC?"

Mr. Dinkin: "In respect to the recommendation as to how to deal with the problem of negotiations."

Commissioner Giraudo: "Oh, I'm sure, I said they would be meeting with both institutions agencies and all those that are affected by it and I am sure that they will."

Mr. Dinkin: "I appreciate it."

Commissioner Giraudo: "Thank you."

RESETTING OF DATE FOR HEARING OF POLICE OFFICER
ROWLAND WING, PARK STATION

WHEREAS, the date for the resetting of the date for hearing of Police Officer Rowland Wing, Park Station, was called it having been scheduled for this for this; and

WHEREAS, it was request by Mr. John Prentice, Attorney at Law, representing Officer Wing, that the date for the hearing of Police Officer Rowland Wing be continued to a later date; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Officer Rowland Wing be scheduled for Wednesday, September 20, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 798-89

NOTIFICATION BY CHIEF OF RESIGNATION OF POLICE
OFFICER RICHARD E. PATE, NORTHERN STATION

WHEREAS, the Chief of Police notified that he was in receipt of resignation of Police Officer Richard E. Pate, Northern Station, and

WHEREAS, Officer Richard E. Pate was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

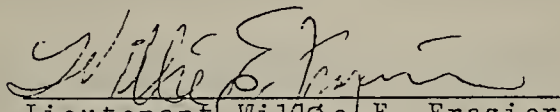
Failure to comply with department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

therefore, be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Richard E. Pate is taken off calendar by order of the Police Commission.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

The meeting, thereafter, was adjourned at 6:50 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5092M

Minutes
JULY 26, 1989

CLOSED SESSION

189 The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 26, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

JULY 26, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 26, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

DOCUMENTS DEPT.

NOV 21 1989

APPROVAL OF MINUTES OF MEETING OF APRIL 26, 1989

SAN FRANCISCO
PUBLIC LIBRARY

Approval of Minutes of Meeting of April 26, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 814-89

CITY TOW (SIMPSON, ROBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Simpson, Robert) in the sum of \$3,800.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina, Nelder

RESOLUTION NO. 815-89

CITY TOW (PECK, TED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Peck, Ted) in the sum of \$3,725.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina, Nelder

RESOLUTION NO. 816-89

THE CITY TOW (JOHN GLEEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (John Gleen) in the sum of \$3,215.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 19, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 817-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various ToweEs) in the sum of \$2,780.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 22, 1989 through
November 8, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 818-89

THE CITY TOW (PATRICK PETTIT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Patrick Pettit) in the sum of \$2,230.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 819-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various ToweEs) in the sum of \$1,590.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 11, 1988 through
December 22, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 820-89

THE CITY TOW (GLORIA ARGUETA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Gloria Argueta) in the sum of \$1,450.00 as a result

of damages sustained, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 821-89

THE CITY TOW (SEWARD, JOY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Seward, Joy) in the sum of \$1,205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 11, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 822-89

FARMERS INSURANCE & EXCHANGE (INS: EDGARDO ANGELES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance & Exchange (Ins: Edgardo Angeles) in the sum of \$1,141.72 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 13, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 823-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Toweess) in the sum of \$1,095.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 824-89

CITY TOW (MICHAEL, LEE STEVEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Michael, Lee Steven) in the sum of \$645.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 825-89

CITY TOW (SFPD/OSBORNE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (SFPD/Osborne) in the sum of \$605.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1987

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 826-89

CITY TOW (FORTES, CARMEN E.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Fortes, Carmen E.) in the sum of \$415.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 827-89

HARRIS I. CLIFFORD, M.D.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harris I. Clifford, M.D. in the sum of \$377.01 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 828-89

RONALD L. ESTES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald L. Estes in the sum of \$340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 829-89

CITY TOW (STROUD, CHARLES E.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Stroud, Charles E.) in the sum of \$330.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 830-89

AGNES T. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Agnes T. Wong in the sum of \$315.95 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 831-89

CITY TOW (DRURY, ROBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Drury, Robert) in the sum of \$310.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 832-89

CITY TOW (SANDRA BONISOLI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sandra Bonisoli) in the sum of \$305.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 833-89

CITY TOW (EVERET, DIANE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Everet, Diane) in the sum of \$280.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 834-89

DOREEN ZOHAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Doreen Zohar

in the sum of \$275.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 835-89

CITY TOW (MELCHOR N. LADIANE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Melchor N. Ladiane) in the sum of \$270.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 836-89

HERBERT SANDFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert Sandford in the sum of \$265.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 24, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 837-89

CITY TOW (OTO, ISAO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Oto, Isao) in the sum of \$265.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 838-89

ANDAY WELDEZGHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anday Weldezghi in the sum of \$250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 839-89

JOHN MICHAEL WEBB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Michael Webb in the sum of \$250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 840-89

THOMAS MORLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Morley in the sum of \$250.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 841-89

ROGER VINCENT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger Vincent in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 842-89

HAUSSMANN, REBECCA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Haussmann, Rebecca in the sum of \$225.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 843-89

THE CITY TOW (JUNG, MICHAEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jung, Michael) in the sum of \$220.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 844-89

TRAN, KEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tran, Ken in the sum of \$215.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 5, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 845-89

CITY TOW (LAFHEY, MICHAEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Laffey, Michael) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 846-89

THE CITY TOW (ROSADO, JOSUE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Rosado, Josue) in the sum of \$205.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 847-89

MARY AMSLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Amsler in the sum of \$200.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 848-89

JOHN BLACK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Black in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 849-89

DENNIS REED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Reed in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 850-89

CHRISTINA L. PEREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christina L. Perez in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 851-89

MATTHEW WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew Williams in the sum of \$185.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 852-89

PHILIP JAMES WELSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip James Welsh in the sum of \$185.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 853-89

CITY TOW (LUCAS, LOUIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lucas, Louis) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 854-89

CHONG-H TEH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chong-H Teh in the sum of \$168.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 855-89

GLORIA EASTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gloria Easton in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 856-89

DEBBIE ANTHONY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debbie Anthony in the sum of \$165.00 as a result of illegal tow, be, and the same is hereby approved.

Date of Incident: May 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 857-89

OSCAR D. BAZURTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oscar D. Bazurto in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 23, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 858-89

JOHN M. BOYLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John M. Boyle in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 859-89

SUE HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sue Harris in the sum of \$152.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 860-89

DANIEL C. DOANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel C. Doane in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 861-89

GINA A. BARRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina A. Barron in the sum of \$150.00 for a recovery tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 862-89

HAROLD BELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold Bell in the sum of \$150.00 as a result of illegal tow, be, and the same is hereby approved.

Date of Incident: May 16, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 863-89

ROBERT VAUGHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Vaughan in the sum of \$150.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 864-89

MARIA SALAZAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Salazar in the sum of \$150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 865-89

LYMAN CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lyman Chan in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 866-89

SYBILLA FARENKAMP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sybilla Farenkamp in the sum of \$140.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 867-89

SCOTT BLUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Blum in the sum of \$140.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 10, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 868-89

ALAIN DELACROSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alain Delacrose in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 869-89

BRIAN MOSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian Moss in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 31, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 870-89

NATHANIEL & IRIS WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nathaniel & Iris White in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 871-89

NIKI GIBBONS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Niki Gibbons in the sum of \$140.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 872-89

ROBERT HOURIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Hourigan in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 15, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 873-89

SYBILLA FAHRENICAMP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sybilla Fahrenicamp in the sum of \$140.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 874-89

REYNALDO E. ARELLANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reynaldo E. Arellano in the sum of \$127.50 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 875-89

DMITRY TREISTMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dmitry Treistman in the sum of \$127.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 876-89

JOHN C. SALISBURY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John C. Salisbury in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 2, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 877-89

HAL MELLEARD (YELLOW CAB)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hal Mellegard (Yellow Cab) in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 2, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 878-89

JACOB MOOSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacob Moose in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 879-89

CARRIE M. WORTHLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carrie M. Worthley in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 880-89

WAYMOND LU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Waymond Lu in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 881-89

DANIEL D. AMIGONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel D. Amigone in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 882-89

ANGELA ALAYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Alayan in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 883-89

THOMAS F. MEDINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas F. Medina in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 884-89

HAY Y. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hay Y. Wong in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 885-89

ZI HUI YANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zi Hui Yang in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 886-89

WERNER O. KEMPF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Werner O. Kempf in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 887-89

TOMOMICHI YAMADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tomomichi Yamada in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 889-89

KEVIN McGOVERN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin McGovern in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 890-89

OSCAR MORALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oscar Morales in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 31, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 890-89

MILA RAKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mila Rakin in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 26, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 891-89

ANN-CHARLOTTE EKMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann-Charlotte Ekman in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 892-89

ROBERT R. DUNCAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert R. Duncan in the sum of \$125.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 31, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 893-89

ARIAN SANZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arian Sanz in the sum of \$120.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 894-89

LUIS F. MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luis F. Martin in the sum of \$120.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 895-89

ROBERT L. CATRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Catron in the sum of \$115.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: January 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 896-89

MARTIN ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martin Robinson in the sum of \$115.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 897-89

PETCHTHAI THONGYAEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Petchthai Thongyaem in the sum of \$115.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 898-89

KAREN LEW BARNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Lew Barna in the sum of \$115.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 15, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 899-89

JAMES GALLEG0

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Gallego in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 900-89

GILDA B. KRAMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gilda B. Kramer in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 10, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 901-89

CHARLES ENGELSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Engelstein in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 902-89

MARSHA G. ARMSTRONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marsha G. Armstrong in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 903-89

LAURIE ZIMET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurie Zimet in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 904-89

NANCY BREWER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Brewer in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 905-89

YELLOW CAB COOP INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Coop, Inc. in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 906-89

LESLIE S. HRUSKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie S. Hruska in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 907-89

NOON HUNG LIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Noon Hung Lim in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 908-89

MARLENE SCHMITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlene Schmitz in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 909-89

ESTHER V. CLOUD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Esther V. Cloud in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 910-89

RODNEY K. CHOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rodney K. Choy in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 911-89

CHRISTINE M. STEINMETZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine M. Steinmetz in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 912-89

TAMMY DANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tammy Dang in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 913-89

JOHN BEHANNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Behanna in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 914-89

WING WAH JANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wing Wah Jang in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 5, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 915-89

LINDA WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Wong in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 31, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 916-89

JAMES R. LUCAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Lucas in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 917-89

BARTON HECHTMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barton Hechtman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 918-89

NANCY D. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy D. Brown in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 919-89

GABRIEL D. MICHAEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gabriel D. Michael in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of incident: February 16, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 920-89

TUAN & NGA LOI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tuan & Nga Loi in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 921-89

CECILIA TAJO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cecilia Tajo in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 922-89

EMMITH BAILEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emmith Bailey in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 923-89

MARGARET M. KONCEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret M. Koncel in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: December 21, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

PAUL SCHIFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Schiff in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 22, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 925-89

CHARLES F. GRISWOLD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles F. Griswold in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 6, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 926-89

NITHIRA PHOONPIROM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nithira Phoonpirom in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 927-89

CAROLYN L. LOWE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn L. Lowe in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 25, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 928-89

GENEVA ALEXIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Geneva Alexis in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 929-89

AARON J. LEVINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aaron J. Levine in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 28, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 930-89

CARL FYE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carl Fye in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 812-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER CLIFTON F. FOGARTY, PATROL BUREAU - POTRERO
STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Clifton F. Fogarty, Patrol Bureau - Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty is scheduled for Wednesday, August 2, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 813-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER WALLACE W. GIN, PATROL BUREAU - POTRERO
STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Wallace W. Gin, Patrol Bureau - Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Wallace W. Gin is scheduled for Wednesday, August 2, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

Mr. Philip Ward said he sent a letter to the Commission requesting, with respect to Mr. Miron and the other item with respect to Patrol Specials in an effort to hopefully meet with Deputy Chief Reed so that they might discuss the underlying situation that is prompting the proposed rule change for Patrol Specials and see if some accommodation can be reached or some understanding can be made between the two (2) different sides in this matter and then bring it back to the Commission in thirty (30) days if in fact there is any dispute that remains at that point.

Commissioner Nelder said he felt that that would be fair to pursue because there are some facts that should be ironed out before the Commission hears it so he would move approval. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 937-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of June 7, 1989, and

WHEREAS, it was requested by Mr. Phillip S. Ward, Attorney at Law representing Richard Miron, that the date for the hearing be continued for 30 days so that the matter of the Revised Rules for Patrol Special Officers may be resolved; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, August 30, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 938-89

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

WHEREAS, the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers was called, it having been continued from the meeting of June 14, 1989, and

WHEREAS, it was requested by Mr. Phillip S. Ward, Attorney at Law representing the Patrol Special Officers Association, that the matter be continued for 30 days in an effort to meet with officials of the Police Department so that they might discuss the underlying situation that is prompting the proposed rule change for Patrol Specials and see if some accommodation can be reached or some understanding can be made between the two different sides in this matter and then bring it back to the Commission, if in fact there is any dispute that remains at that point; therefore be it

RESOLVED, that the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers is continued to Wednesday, August 30, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 931-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN WILLIAM N. WELCH, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Captain William N. Welch, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the setting of date for the hearing of disciplinary charges filed against Captain William N. Welch be continued to August 16, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Captain William N. Welch is continued to Wednesday, August 16, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 932-89

SETTING OF DATE FOR HEARING OF POLICE LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. James Collins, Attorney at Law representing Lieutenant Lang, that the setting of date for the hearing of disciplinary charges filed against Lieutenant Thomas J. Lang be continued to August 16, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Lieutenant Thomas J. Lang is continued to Wednesday, August 16, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 933-89

SETTING OF DATE FOR HEARING OF POLICE SERGEANT JAMES B. HALL, TACTICAL DIVISION - SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. James Lassart, Attorney at Law representing Sergeant Hall, that the setting of date for the hearing of disciplinary charges filed against Sergeant James B. Hall be continued to August 16, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Sergeant James B. Hall is continued to Wednesday, August 16, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

FINDINGS AND DECISION ON TAXICAB PUBLIC CONVENIENCE AND NECESSITY

Commissioner Giraudo said it was the Commission's intention this evening to vote with respect to the issuance or non-issuance of new

permits or medallions in the Taxicab Industry. He said the Commission calendared it and there has been some very strong concern expressed both to the Commission Office and the Mayor's Office with respect to a process that was taking place or continues to take place within the Mayor's Office and there are a number of people who still wish to speak with a number of Deputy Mayors prior to their rendering their decision so the Commission is going to continue this matter this evening for three (3) weeks time to enable those people who have expressed their concerns to express their concerns to the appropriate parties or the parties they have contacted. He said there was another question raised with respect to notification to interested parties and so he said he would ask that all of those present today please be notified that the Commission will render a decision three (3) weeks from this date. In response to a question of the receipt of more testimony, he said, the Commission has already had its PC&N Hearings and has heard countless hours of testimony on behalf of those that are in favor and those that are not in favor of issuance of new permits. He said the Commission was asked by the Permit Bureau to withhold its decision until such time as they were able to get on top of the new regulations by virtue of whatever the new proposition was at that time. He said the Commission has done so and it was at the Commission's behest that it would render the decision. He said the Commission having already heard testimony will base its decision upon that testimony and all the written submittals it has had, both the prior conclusions drawn by Captain Winters and his group, and also the present bureau, and their recommendations and all of the information that the Commission has received. He said, so the Commission will render that decision in three (3) weeks time.

Mr. Michael Isensure with the United Taxicab Workers said it was his understanding from the meeting of May 24th when this matter was continued that the Mayor's Office was going to undertake a complete review.

Commissioner Giraudo advised him that the Mayor's Office has under the direction of Deputy Mayor Douglas Wright for Planning.

Mr. Isensure then asked if a report would be issued based on that review?

Commissioner Giraudo again advised that he could not speak for the Mayor's Office and that he could only say that they have asked the Commission to delay its decision. Commissioner Giraudo said the Commission's obligation under the law is to hold PC&N Hearings and to make a determination as to whether or not the Commission feels there is a need for more Taxicab Permits.

Mr. Isensure said his question is whether the Commission's setting the date back for three (3) weeks will place it after a report is issued by the Mayor's Office or whether it will be done whether or not a report is issued.

Commissioner Giraudo said he would only assume that the Mayor's Office expects to come back to the Commission with the Staff recommendation.

Mr. Isensure then asked if that report would be subject to public comment at that time?

Commissioner Giraudo said he could not answer that that he thinks that the Mayor's Staff recommendations will be just that more information that the Police Commission will consider in rendering its decision. He said he would say to Mr. Isensure that once it is published and he has copies of it and he wants to submit to this Commission any kind of response or critique of study the Commission would be more than happy to receive those and read those. Mr. Isensure said that based on the assumption that there was going to be action tonight they prepared some comments, copies of which are on the Secretary's desk and he would ask that they be given to the Commissioners.

Commissioner Giraudo advised him that the copies will be delivered to all of the Commissioners by this Friday, July 28, 1989.

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this afternoon in Executive Session on a Personnel Matter.

COMMISSIONER GIRAUDO: "With respect to the selection of a member of the San Francisco Police Department to review the OCC Investigation Reports Charges, Allegations and sustained Charges with respect to the Deputy Chief Jack Jordan, Captain Welch, Lieutenant Lang and Sergeant Hall, the Commission has unanimously decided to order Deputy Chief Willis Casey to conduct that review of those files of those reports and to take complete control of the prosecution of any and all cases that are brought to this Commission. My understanding is or I guess I should ask Mr. Langer, do you know when your Department will be ready to send over to Deputy Chief Casey the Investigation Report?"

OCC DIRECTOR MICHAEL LANGER: "Yes, Commissioner, we received two (2) requests for Hearings on Monday, one from a Police Officer and one from a complainant. We are still in the process of evaluating those reports and that is the reason for the delay. We anticipate having that done by the middle of next week, no later than the middle of next week."

COMMISSIONER GIRAUDO: "By the middle of next week. Alright we were speaking to a date of August 16th earlier with respect to the setting of dates. Deputy Chief Casey, perhaps an unfair question with respect to an Investigative Report you haven't even seen, do you believe that if you receive that Investigative Report by mid next week that you could be prepared with your recommendations by August 16th?"

DEPUTY CHIEF CASEY: "Yes, sir."

COMMISSIONER GIRAUDO: "I would ask or I would direct, upon again the unanimous decision of the Commission, that Chief Frank Jordan provide Deputy Chief Casey with whatever alleviation he needs from his present duties to pursue his review of those files and whatever else and time he needs

to conduct an appropriate review and to prepare himself to make the recommendations to this Commission."

CHIEF FRANK JORDAN: "Well, I can assure you Commissioners that I will give Deputy Chief Willis Casey full cooperation and the opportunity to take the time he needs to review the case and evaluate what needs to be done and bring his decision before you. I will cast my full support and I will be happy to assist in any way that I can."

COMMISSIONER GIRAUDO: "Was there any thing else Commissioners, that I?, (no response) Okay. Alright then that is the desire and the order of the Police Commission."

Commissioner Giraudo then said he had nothing else that he wished to report out.

Commissioner Medina said to the Chief that he wanted to register a concern in regard to the events which transpired on Saturday night at Club Elegante, whereby the Immigration Naturalization Service (INS) and the Alcohol Beverage Control (ABC) along with the SFPD went into Club Elegante. He said there are several things that concern him about that. He said first of all Judge Aguillar imposed a restraining order on INS to prevent them from doing these kinds of raids. He said it seems to him that the SFPD was used by the INS through ABC to aid and abet in this immigration raid and that disturbs him greatly he said, for a lot of reasons. He said if the ABC, in fact, had reason to believe that minors were being served on the premises, then ABC with the cooperation of the SFPD could go into such a place, very unobtrusively, identify the minors, cite the minors, cite the owner and leave without imposing on the rest of the people who were there. He said according to reports, the crowd was estimated to be around 200 and out of the 200 that were there, INS took 28 persons who were suspect of being undocumented. He said the remaining 172 were either U.S. Citizens or residents who were detained there and who had their evening disrupted and it disturbed him greatly that the SFPD was brought into this. He said he received reports that some of the people were transported in SFPD autos or vans and so the impression that a number of people that were present had were that the SFPD were very much aiding and abetting the INS and that he said is very disturbing and he wanted to get a report in regard to this matter.

Commissioner Lee said that he would also like to register his concern just like Commissioner Jose Medina.

Chief of Police Frank Jordan, in response, said this issue came to his attention on Sunday after the initial incident that occurred about 11 o'clock on Saturday night. He said as a result of talking to the officers involved, the Commanding Officer of the Unit at Ingleside Station, it was the Platoon Commander on that particular night and then now today again talking to the Director of the Department of ABC for the State of California based here in SF and to the District Director of the INS also at 630 Sansome Street in SF, he drafted a letter to both of these two (2) District Administrators to clarify an issue that he believed is important so it would show that the SFPD really

is concerned also in this particular issue and that the SFPD is looking at the intent of the Board of Supervisors Resolution that goes back to 1985 dealing with SF as a Sanctuary City particularly for those people from Guatemala and El Salvador, but also there is one paragraph there that specifically states in the Resolution that the City and County of SF finds that immigration and refugee policy is a matter of Federal Jurisdiction. He said it said that Federal Employees not city employees should be considered responsible for implementation of immigration and refugee policy and that the only role the SFPD would have at all would be in a backup capacity. He said so this is the letter he sent and basically it is to both individuals and he read it thusly: "This letter is in reference to the incident which occurred on July 22, 1989, at the Club Elegante at 3395 Mission Street in SF. It is my understanding that the ABC Agent, Tim Eisenhart came to Ingleside Station at approximately 7 PM to request backup assistance for an operation that the ABC would be engaged in at the Club Elegante. Agent Eisenhart was accompanied by a representative of the INS. This individual claims that he was invited there by the ABC Agency. The purpose of the operation as explained to the acting Platoon Commander was the Investigation of alleged sale of Alcoholic Beverages to minors. It was understood that ABC Agents would enter the Club to observe possible violations of Alcohol Beverage Control Laws. The assistance of SF Police Officers was requested solely as backup traffic control and crowd management. No enforcement action was contemplated as being part of the involvement of the SFPD. I believe that the spirit and the intent of the Board of Supervisors Resolution #1087-85 was followed by the SFPD in relations to this action. Public Safety considerations are our primary concern not participation in an active enforcement role in this type of operation. It is my opinion that better communication would have been affected especially in the area of the timeliness of the notice to our personnel. The Commanding Officer of Ingleside Station would then have been in a better position to evaluate our involvement in a backup capacity. With knowledge of the magnitude of the investigation our personnel could have evaluated the ramifications and obtained input through our Legal Division. In order to further clarify the issues regarding future coordination between ABC and the INS and the SFPD I am requesting that a meeting be held in my office at your earliest convenience to develop a Memorandum of Understanding between our Agencies for future operations within the framework of our City's Sanctuary Status. Such a Memorandum could then be disseminated to the personnel of all of our respective Agencies. I have enclosed a copy of the Board of Supervisors Resolution for your reference." The Chief then said he is waiting now for their response. He said both have indicated to him by telephone that they would certainly attend the meeting and be cooperative in this particular endeavor. He said that the Platoon Commander that night stated that he was there in a backup capacity but expressed some surprise at the action as he did have four (4) uniformed officers there only to be at the entrance. He said the Platoon Commander was surprised at the number of vehicles that showed up for INS and for ABC. He said the ABC took over the initial action and the SFPD were merely on standby. He said they found 17 juveniles under age who were being served alcoholic beverages and at that time the ABC did ask some of the police officers to use

some communication to verify that they were minors and the SF Officers then ran a check over their PIC radio. He said nothing was done for INS at that time at all. He said INS conducted their own investigation inside the premises and they found 28 people who were there allegedly as illegal aliens. He said the only tie in the SFPD had with them was the vehicles. He said when INS were placing 28 people into the vehicles, they had three (3) additional people with no transportation so they asked the SFPD for assistance and that is the area where there may be some question in terms of in the future of what the SFPD can and cannot provide. He said the SFPD did at that time provide a vehicle to transport three (3) people who were part of the overload, rather than crowd them into the vehicles that were there, down to Sansome Street. He said so he feels that there is some further clarification needed. He said the SFPD does have responsibility when the ABC of the State of California comes in and asks for assistance. He said the SFPD are mandated to do this by the Business and Professions Code but there is some further clarification needed as to what the SFPD is required or mandated to do as far as INS. He said he would like to clarify it once and for all so that he can assure not only the SF Police Officers, but the citizens of SF that they are acting in accordance to the specifications of what is now required through the Resolution of the Board of Supervisors as a Sanctuary City.

Commissioner Giraudo said that the ABC indicates that they invited the INS to join them in its raid. He said he would not call anybody any names but it doesn't make sense to him and he doesn't think that the SFPD should be assisting or aiding INS within their jurisdiction seeking out whatever it is that they feel that they need to seek out in this city or any other city. He said he would hope that when the Chief meets with them that he makes it clear what the policy of the Police Department is and of this Commission and of the SF Board of Supervisors. He said he really feels as though they used this Department towards their end and he said he concurs with Commissioner Jose Medina this evening with respect to the ABC as well in terms of what they can or cannot do to effectuate their goals. He said he thinks that there is probably some discriminatory essence with respect to where they are going and why they are going and coupling up with the INS and he did not think that the SFPD should be a part of it.

Commissioner Craig said she would also like to register her concern about this action and she was glad that the Chief is going to take some steps to look into seeing that there isn't a repeat of this without it being very clear about what the Administration's policy is going to be and take some steps to see in what way the SFPD is going and take some steps to see in what way they are going to respect the Status of the City as a Sanctuary City for Refugees. She said she hoped that they will not be coming back to this issue again after that has been done.

(a) PUBLIC COMMENTS

Mr. Allen Shaulfser, Attorney for ACLU, said he just came to make a comment about the matter that the Commission has just discussed and he was quite heartened by comments made by both the Chief and the Commission. He said he would just add that they have been involved in a lot of both investigation

and litigation, including the litigation that Commissioner Medina mentioned and there have been findings by the Federal Courts in this District that INS has been involved in a systematic pattern and practice of constitutional violations. He said their very preliminary investigation has convinced them that this same kind violations occurred in this raid. He said he thinks it important as the Chief evaluates, 'what's backup assistance and what's involvement'. To understand that as they have heard it in this radi, he said, every person in that Club was illegally and unconstitutionally detained at the point that an announcement was made that hundreds of people who were there should not be move and should not leave during the course of the investigation that took over an hour. He said at that time their information is that there were police officers in uniform and present. He said they did not give the order and they were not involved in the interrogation but their mere presence, he thought, involves them in that kind of detentive atmosphere and he felt it is bad policy and it does subject the city to the kinds of liability that follow these raids. He said so he would encourage the Commission and Chief to look very carefully at what they are being asked to do because law suits follow these raids for a very good reason. He said he thinks the city should stay clear of them. He said he would just encourage the Chief to pursue that with that in mind.

Mr. R. Melendez, said he would like to make a few brief comments on the continuing Dolores Huerta Case for the record. He said many were surprised at the speed with which this Commission chose to investigate the leaks to the media. He said while they applaud the Commission's burst of efficiency they feel it is misguided. He said misguided in two (2) areas. He said the first area has not been mentioned and they have to presume not an area of the Commission's particular concern. He said he refers to what the missing document actually reveals. He said they see a series of entries that an officer needed help, none was forth coming. He said the inevitable result is that the officer harmed himself. He said the City of San Francisco is now facing a potential financial settlement. He said that also brings discredit to the SFPD. He said a citizen nearly lost her life because the system broke down. He said how many other officers are in need of help, where is the oversight and who is responsible. He said he thinks this Commission should be asking these questions and not be preoccupied with who leaked what. He said this leads to the second area where they feel the Commission is misguided in priorities. He said the person or persons who leaked this information should be given a medal. He said if it was a fellow officer he said he is sure that they acted out of concern for the Department. He said it seems to him that someone got caught with their hands in the cookie jar and the Commission wishes to punish the person who turned on the light. He said they have to question this Commission's priorities. He said is the Commission protecting the Police Department and the citizens of SF or are they protecting the Status Quo. He said if the Commission feels that these questions are too harsh ask Dolores Huerta, ask the other victims of the system, ask the City Controller who pays out the settlements, ask the citizens who voted for the OCC and they will get their answer.

Mr. Frank Del Campo said that he would like to speak about the outside agitators who came into this city last summer and created a turmoil. He said the outside agitators of course are the Republicans that chose to come to the city and the turmoil that was created outside during their fine dinner that they enjoyed and to which they flew out that evening or perhaps the following day. He said no doubt they had a very nice visit but the rest of us are left here with the turmoil they created and it is what the citizens and the administration has been faced with since the time that they arrived. He said in their wake he would like to discuss what they left. He said, the pride of his people, of course Dolores Huerta, and the Labor Movement of which they are an important component, lost a pound of flesh which can never be replaced. He said but along with this, he thinks, among his people there is a wound that cannot heal and an injury which turns into anguish and which searches for direction. He said a Captain of Police is accused who he has met and who he has knowledge of prior to the time of his accusation and while he would offer that he has had traditional differences with management and with the Captain he believes, without a doubt in his heart and out of total sincerity, that when management does wrong he would never stop until that wrong is righted, but when management does right, for him to remain silent when he has knowledge of some of that right, is absolutely wrong. He said to that he would like to offer to this Commission that he happened to know that a Captain of Police last year, without any fanfare and prior to being accused, took an initiative of which he must reflect on tonight and offer the Commission in comment. He said that was a year ago and he thinks he commented to this Commission at that time that three (3) of their Stable Attendants were slated to be laid off. He said this particular Captain of Police took at his own initiative the activities to secure the monies to retain those attendants on the job. He said this is something that he, although he was speaking as a citizen tonight, as a labor representative he will not use the recognition. He said he will always be impressed by a Captain of Police who knows that the hands that tend the Stable feed a family and in that regard he respectfully offer to the Commission that if it has any merit that please consider this in whatever findings they have as he has consistently argued that mitigating circumstances are appropriate in any employment matter. Having seen the film, he said, the film clipping of the assault, he of course has the same anguish turned into anger. He said he guess he must offer to the Commission here tonight that he cannot call for discipline. He said all of his adult life as a labor representative he has consistently argued against it. He said he has argued that discipline cannot be administered with vindictiveness but it can only be administered with compassion. He said he has argued strongly, he hopes, that discipline cannot be administered in anguish but must be administered with understanding and that where the accused is a Union Member he must of course remain silent. He said he will now turn his attention to the only direction that is left and where silence would be inappropriate. He said yet here again he cannot join in any calls for discipline or dismissal although it would be directed in an area to which he was not responsible for representation but the idea of discipline or

discipline continues to remain a chill in his spine. He said, on this, he offers to the Commission, while recognizing that someone who makes \$90,000 a year is quite different when they lose their job in terms of employment opportunities than someone who makes \$20,000 a year, but nonetheless, he feels he cannot call for what he just described that is discipline or discipline he said he would however develop the subject in the following way. He said the standards that he was describing, he would like to offer to the Commission, are based upon what he consider the standards that labor must uphold and that is they cannot mirror what they criticize but they must reflect what they want. He said in that tone he offers this. When management, he said, openly states that it has no intentions to comply with a direct order, this is described as being the mark of someone with a strong constitution or very good backbone and he said there are of course other ways that have been described to denote the same idea. He said when labor refuses a directive of management that is called insubordination and they are of course disciplined and terminated. He said when management removes documents to protect the accused, it is called updating but when labor takes the document out of this Hall or any other Hall that is called stealing and of course labor is disciplined and is terminated. He said the point is quickly coming here and he respectfully offers it to this Commission that they must do their job. He said that job will be evaluated not only by those who appoint the Commission but by all of the citizens on a form that is not described by any number but rather remains in their hearts after which they look toward the Commission and what the Commission decides to do.

Ms. Kathryn Cusick, said that as we are entering twelve (12) months since Dolores Huerta was beaten and nearly killed she said she can't say that the Justice for the Dolores Huerta Coalition is too pleased to hear that the decision of the Commission is to turn over this part of the investigation to the Police Department regardless of who is going to conduct it. She said nearly twelve (12) months ago, Dolores Huerta was beaten savagely by a police officer or officers and they still haven't seen anybody disciplined for that. She said evidently there is involvement in a cover up of the officer's or the officers' actions very high up in the Department but they don't know how high. She said there are serious ethical questions to be asked here. She said they think the ones to be asking those ethical questions are the Police Commissioners. She said they are asking the Commission once more what they have asked from the very beginning and what at least one of the Commissioners would like to do and that is to honor the City Charter, Section 3.530e and to take its duties and its obligations under the City Charter and for them the Police Commission to investigate this from the beginning. She said who beat Dolores Huerta that day, who almost killed Dolores Huerta that day. She continued by saying did a Police Sergeant say to the officers go on and hurt them, has that been investigated, why were memos taken out, how deep do the ethical questions reach into this situation. She said they are asking the Commission to investigate this from the beginning, what happened to Dolores, who is responsible, who is responsible for that officer or officers and the Commission is ultimately responsible for the

Department. She said so once again they make their request and hope that the Commission will be just a little quicker in their pace than they have been up to now.

Mr. David Welch, Executive Vice President of the National Association of Letter Carriers #214. He said they are very concerned as a Labor Union about possible police brutality since there has been, in the history of the Labor Movement, many examples of the police being used against striking workers. He said their Union structure today, the trade unions that they have, are built on the bodies of people who have been brutalized by the police over the years. He said they were equally concerned because about 30% of their membership is Hispanic and they are concerned that this very obvious incident of police brutality which was on TV, everybody knows about it, everybody in this city knows it is a case of police brutality. He said why is this Commission not acting. He said Commissioner Medina has taken a strong stand on this position why doesn't the rest of the Commission examine this situation and take action. He said they are very concerned about it, their membership is very concerned about it, it is brought up at every branch meeting of their union. He said they meet monthly and ask when is something going to be done to bring justice to Dolores Huerta.

Roberto Hernandez said he lived in the Mission and also works in the Mission. He said it seems that they are on a roll here. He said he knows that the Chief is concerned about public perception and the changes of the heels of what happened to Dolores when it happened again on Saturday, the raid, that the perception in terms of community relations between the police and their community is not too good right now. He said, frankly, he did not know how to picture it in a kindredship. Maybe, he said, the Chief did not know how to picture it either. He said in a kindredship things are just being tossed around back and forth and people are looking for a way out, people are looking to find somebody to handle the hot potato and it just goes on and on and on. He said and we just get more knee deep in it. He said he was also sorry to see what has happened to the OCC here. He said he can certainly understand why the SFPOA is upset and angry. He said their men have been put out to dry so to speak. He said he can sure understand why they did not want to take the heat on this one either. He said if they have a beef with the Commission or with the Chief, they shouldn't scapegoat the OCC either. He said at some point everyone has to assume what kind of authority is invested in the Commission and take the heat one way or another.

Mr. Richard Breeze in his statement to the Commission said that he would like Officer Achim to leave him alone so he (Breeze) would leave Achim alone. He said they have one person whose psyche and body has been injured and he did not think they need to have two (2) people whose psyche and bodies to be injured namely Officer Achim and Dolores Huerta. He said when he sees Officer Achim on the street he wants him to leave him alone so he is going to leave Officer Achim alone.

Ms. Jane Hybinoe, Co-Chair of the SF Rainbow Coalition, said they brought ten (10) members here today to show their support for Dolores Huerta. She said she wanted to reiterate and also support three (3) things that have come out in the speakers before her. She said the first one is that they continue

to persist and also to insist that the Commission re-open the Dolores Huerta Case and to have a full and complete investigation since September 14th 1988. She said she thinks almost a year has passed and ten and a half months is too long to see justice served. Secondly she said, they understand that while the recent Grand Jury Investigation didn't hand down any Indictments but they did express grave reservations about information being pulled out of Officer Achim's file and that the Commission was given the responsibility to decide some appropriate punishment and that while the three (3) officers may also want to see a fair and speedy resolution to their situation, don't forget Dolores Huerta. She said Dolores Huerta should also be given the same consideration and due process. She said lastly they would like to say that they really object to the OCC being harassed and pressured by the POA and that the whole purpose of the thing was never to investigate the OCC but to investigate what happened on September 14th. She said they really feel very strongly that justice delayed is justice denied.

Mr. Carrington Osborne said he was also a Co-Chair of the Rainbow Coalition. He said one of the issues of great concern to the Rainbow Coalition is the message that this whole incident has sent out to people of color where there are a great deal of problems within their community in police relations. He said with allegations of cover-ups of white officers taking files from other white officers, white officers beating Hispanic workers, there is, he said, an important message that seems to be going out that if you are a person of color, justice does not mean the same thing for you. He said speed is of the essence when it comes to deciding officers fate but yet Dolores Huerta has waited almost a year and they think it is time that this Commission answer these questions so that they can go back to their communities and say children you should respect the police, you should respect the law because the law respects and protects your constitutional and individual rights. He said the individual here that is lost among them is Dolores Huerta.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had nothing else to report at this time other than what he presented to the Commissioners regarding the incident that occurred last Saturday night.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had nothing over and above the Status Report of that Investigation that he had reported to the Commission tonight.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$80,776 TO FUND AN ANTI-DRUG USE PROGRAM IN THE BOEDEKKER PARK

Captain Tom Murphy of the Central Police Station addressed the Commission on this item and said this proposal is a request for Narcotics Asset Seizure Funds to fund one patrol officer position in

Boedekker Park everyday. He said Boedekker Park is in the heart of Tenderloin at Eddy and Jones Street in an area that is number two (2) in the City for major incidents of crime and request for police service. He said the driving force behind the incidents of crime and the request for police service is drug abuse in the area generally combined with alcohol abuse. He said Boedekker Park is the only open space in the area and the only place in the area where licensed day care centers can have space to meet their licensing requirements for recreation. He said it is a difficult place for them to bring the children in because of the alcohol and drug abuse problems in that area. He said so they feel that if they could use asset seizure funds for one patrol officer position to supplement the officers they have from Central Station in that area they will be able to stabilize the park and provide an environment for the children and the families in the neighborhood and for day care usage. He said they have representatives here from the North of Market Planning Coalition, Project SAFE, Park and Rec and possibly some others if the Commission cares to hear their comments on the proposal as they need the Commission's support and approval.

Commissioner Nelder said he did not think that the Commission needed to hear the other speakers as the Commission knows this is an important area particularly as to the proliferation of youngsters in that neighborhood and he felt that this was a step in the right direction to clean it up. He said he would make a motion for approval of this request as the more expeditious the better in this particular case. Commissioner Medina seconded the motion and it was unanimously approved.

RESOLUTION NO. 934-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$80,776 TO FUND AN ANTI-DRUG USE PROGRAM IN BOEDEKKER PARK

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$80,776 which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to fund an anti-drug sales and use program Boedekker Park.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

HEARING OF POLICE INSPECTOR CLIFFORD A. TAWNEY, INVESTIGATIONS BUREAU - ROBBERY DETAIL

The hearing of the disciplinary charges filed against Police Inspector Clifford A. Tawney, Investigations Bureau - Robbery Detail, was called it having been set for this date. Inspector Tawney was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Clifford A. Tawney appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

On advice of his counsel, Inspector Tawney made a plea of guilty to the charges.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant William Hardeman, Management Control Division

The following witness was called by the Defense, was sworn and testified:

Inspector Clifford A. Tawney, Robbery Detail

Commissioner Nelder made a motion to accept the plea of guilty to the charges made by Inspector Tawney and was unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by the Chief of Police:

SPECIFICATION NO. 1

Ninety (90) day suspension held in abeyance for 18 months and enroll in the Department's D-4 Program.

SPECIFICATION NO. 2

Forty-five (45) days suspension to be imposed immediately.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 936-89

DECISION - HEARING OF POLICE INSPECTOR CLIFFORD A. TAWNEY, INVESTIGATIONS BUREAU - ROBBERY DETAIL

WHEREAS, on May 1, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Clifford A. Tawney, and

WHEREAS, the Commission having heard the matter makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Clifford A. Tawney, Star No. 779 (hereinafter referred to as "the accused") was and is a Police Inspector employed by the San Francisco Police Department and is assigned to the Investigations Bureau - Robbery Detail;
- (2) As a police inspector, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about October 9, 1988, the accused, while off-duty and driving his personnel vehicle, was involved in an accident with another vehicle. The accused was arrested for driving while under the influence of alcohol. At the time of the accident the accused refused to submit to a chemical test as is required by the California Vehicle Code;
- (4) On or about November 23, 1988, the Department of Motor Vehicles suspended the driving privileges of the accused for refusing to take a chemical test, effective from November 23, 1988 through May 22, 1989. The accused received notification that his driving privilege had been suspended in the mail;
- (5) On or about December 8, 1988, the accused was convicted of driving while under the influence of alcohol on October 9, 1988;
- (6) The accused failed to inform the department that his driving privilege had been suspended;
- (7) The accused, by driving a vehicle while under the influence of alcohol on October 9, 1988, by having his driving privilege suspended for refusing to take a chemical test, and by failing to inform the department that his driving privilege had been suspended from November 23, 1988 through May 22, 1989, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (8) The allegations contained in paragraphs (1) through (7) of Specification No. 1 are incorporated by reference as if fully set forth herein;
- (9) On or about January 24, 1989, at approximately 1700 hours, the accused reported off-duty. The accused was authorized to drive Department Vehicle No. 141 to his residence because he was the on-call inspector for the Robbery Detail. On his way home the accused stopped at a bar in San Rafael and consumed several drinks containing alcohol;
- (10) On or about January 24, 1989, at approximately 2045 hours, a California Highway Patrol Officer observed the accused driving Department Vehicle No. 141 in an erratic manner in Novato, California. The C.H.P. Officer stopped the vehicle and arrested the accused for driving while under the influence of alcohol;
- (11) On or about January 24, 1989, the accused submitted to a urine test. The results of the urine test indicated that the accused's blood contained a .28 alcohol by weight;
- (12) California Vehicle Code Section 23152(a) makes it unlawful for any person to drive a vehicle while under the influence of alcohol;
- (13) The accused, by driving a department vehicle while off-duty and in an on-call status, while under the influence of alcohol, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 26, 1989, and on Wednesday, July 26, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Inspector Clifford A. Tawney are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote

efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) suspension to be held in abeyance for 18 months and join the Department's D-4 Program.

SPECIFICATION NO. 2

Forty-five (45) calendar days suspension to be imposed immediately.

and be it further

RESOLVED, that the ninety (90) days suspension held in abeyance will be imposed if any violation occurs within the 18 months period; and be it further

RESOLVED, that the forty-five (45) calendar days suspension shall commence on Thursday, July 27, 1989 at 0001 hours and end Saturday, September 9, 1989 at 2400 hours.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Tawney:

7:23 p.m. to 7:28 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER FREDERICK SCHIFF, MISSION STATION

The hearing on the appeal of the Chief's two-day suspension (one day imposed and one day held in abeyance for one year) imposed on Officer Frederick Schiff, Mission Station, was called it having been set for this date.

Police Officer Frederick Schiff appeared in person and was represented by Ms. Margaret A. Pendergast, Attorney at Law.

Officer Jeffrey Barker, Management Control Division, appeared on behalf of the San Francisco Police Department.

The following witnesses appeared for the Prosecution, were sworn and testified:

Officer Sharon Bissell, Company D
Sergeant James B. Hall, Tactical Bomb Unit

The following exhibits were entered into evidence by the Prosecution:

- Exhibit #1 Photo of Bulb Explosive Device
- Exhibit #2 Photo of M-80 Firecracker Bomb
- Exhibit #3 Photo of CO-2 Cylinder Explosive Device
- Exhibit #4 Photo of Electrical Connector Explosive Device
- Exhibit #5 Photo of Pipe, with Firecracker Fuse Extending from T-Pipe Area - Explosive Device
- Exhibit #6 Incident Report #881559325 12/5/88

The following witness appeared for the Defense, was sworn and testified:

Officer Frederick Schiff, Company D

Closing statements were made by Officer Barker and Attorney Pendergast.

The Commission took the matter under submission and returned with the following decision and findings:

RESOLUTION NO. 935-89

DECISION ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER FREDERICK SCHIFF

WHEREAS, a hearing on said appeal was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 26, 1989, and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Officer Frederick Schiff, Mission Station, is sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the Chief's suspension of two (2) days, one day imposed and one day held in abeyance for one year, is hereby sustained.

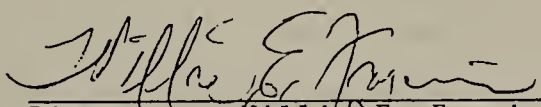
AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing on the appeal of the Chief's suspension of Officer Frederick Schiff:

8:22 p.m. to 8:27 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:30 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

AUGUST 2, 1989

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 2, 1989 at 1600 hours in a Special Meeting.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

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HEARING OF POLICE INSPECTOR FRANK C. MCCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of July 13, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Prosecution:

- *Exhibit #9 C.S.I. Unit, Evidence Inventory, 11/28/87 (1 page)
- *Exhibit #10 C.S.I. Unit, Evidence Inventory, 12/02/87 (1 page)
- *Exhibit #11 C.S.I Unit, Sketch of Crime Scene (1 page)
- *Exhibit #12 Latent Fingerprint Request/Report dated 11/28/87 (1 page)
- *Exhibit #14 S.F.P.D. Form 64, Request for Laboratory Examination dated 02/03/88 (1 page)
- *Exhibit #15 S.F.P.D. Form 10, Laboratory results of exam dated 02/29/88 (1 page)

*Exhibits previously entered for identification now entered into evidence.

The following exhibits were entered into evidence by the Defense:

- Exhibit L Reflection of Prosecution Exhibit #9
- Exhibit M Reflects piece of evidence black handle, 8" butcher knife

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Marcia Valladares, Court Liaison
Officer Marsha Ashe, Crime Scene Investigations
Mr. Ralph Whitten, Crime Laboratory

The hearing was then continued to Wednesday, September 6, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector McCoy:

5:18 p.m. to 7:00 p.m.

7:18 p.m. to 7:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been continued from the meeting of July 13, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Prosecution:

- *Exhibit #9 C.S.I. Unit, Evidence Inventory, 11/28/87 (1 page)
- *Exhibit #10 C.S.I. Unit, Evidence Inventory, 12/02/87 (1 page)
- *Exhibit #11 C.S.I Unit, Sketch of Crime Scene (1 page)
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- *Exhibit #15 S.F.P.D. Form 10, Laboratory results of exam dated 02/29/88 (1 page)

*Exhibits previously entered for identification now entered into evidence.

The following exhibits were entered into evidence by the Defense:

- Exhibit L Reflection of Prosecution Exhibit #9
- Exhibit M Reflects piece of evidence black handle, 8" butcher knife

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Marcia Valladares, Court Liaison
Officer Marsha Ashe, Crime Scene Investigations
Mr. Ralph Whitten, Crime Laboratory

The hearing was then continued to Wednesday,
September 6, 1989, at 4:00 p.m. in Room 551, Hall of
Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

Recesses taken during the hearing of Inspector
Dean:

5:18 p.m. to 7:00 p.m.
7:18 p.m. to 7:25 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed
against Police Inspector William F. Kidd,
Investigations Bureau - General Work Section, was
called it having been continued from the meeting of
July 13, 1989.

Inspector William F. Kidd appeared in person and
was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on
behalf of the San Francisco Police Department.

The following exhibits were entered into
evidence by the Prosecution:

- *Exhibit #9 C.S.I. Unit, Evidence Inventory,
11/28/87 (1 page)
- *Exhibit #10 C.S.I. Unit, Evidence Inventory,
12/02/87 (1 page)
- *Exhibit #11 C.S.I Unit, Sketch of Crime Scene
(1 page)
- *Exhibit #12 Latent Fingerprint Request/Report
dated 11/28/87 (1 page)
- *Exhibit #14 S.F.P.D. Form 64, Request for
Laboratory Examination dated
02/03/88 (1 page)
- *Exhibit #15 S.F.P.D. Form 10, Laboratory
results of exam dated 02/29/88 (1
page)

*Exhibits previously entered for identification now
entered into evidence.

The following exhibits were entered into
evidence by the Defense:

- Exhibit L Reflection of Prosecution Exhibit
#9
- Exhibit M Reflects piece of evidence black
handle, 8" butcher knife

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Marcia Valladares, Court Liaison
Officer Marsha Ashe, Crime Scene Investigations
Mr. Ralph Whitten, Crime Laboratory

The hearing was then continued to Wednesday, September 6, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Kidd:

5:18 p.m. to 7:00 p.m.

7:18 p.m. to 7:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been continued from the meeting of July 13, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibits were entered into evidence by the Prosecution:

- *Exhibit #9 C.S.I. Unit, Evidence Inventory, 11/28/87 (1 page)
- *Exhibit #10 C.S.I. Unit, Evidence Inventory, 12/02/87 (1 page)
- *Exhibit #11 C.S.I Unit, Sketch of Crime Scene (1 page)
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The following exhibits were entered into evidence by the Defense:

- Exhibit L Reflection of Prosecution Exhibit #9

Exhibit M Reflects piece of evidence black
 handle, 8" butcher knife

The following witnesses were called by the
Prosecution, were sworn and testified:

Officer Marcia Valladares, Court Liaison
Officer Marsha Ashe, Crime Scene Investigations
Mr. Ralph Whitten, Crime Laboratory

The hearing was then continued to Wednesday,
September 6, 1989, at 4:00 p.m. in Room 551, Hall of
Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

Recesses taken during the hearing of Inspector
Casillas:

5:18 p.m. to 7:00 p.m.
7:18 p.m. to 7:25 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

AUGUST 2, 1989

CLOSED SESSION

The Police Commission of the City and County of
San Francisco met in their chambers, Room 505-2,
Hall of Justice, 850 Bryant Street on Wednesday,
August 2, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

AUGUST 2, 1989

REGULAR MEETING

The Police Commission of the City and County of
San Francisco met in their chambers, Room 551, Hall
of Justice, 850 Bryant Street on Wednesday, August
2, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

APPROVAL OF MINUTES OF MEETING OF MAY 3, 1989

Approval of Minutes of Meeting of May 3, 1989,
the Commissioners having received, approved and
returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for
settlement of the following claims against City and
County of San Francisco:

RESOLUTION NO. 949-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various ToweEs) in the sum of \$4,820.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 950-89

THE CITY TOW (ARTHUR O'KEEFE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Arthur O'Keefe) in the sum of \$3,170.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 1, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 951-89

EARL SISK vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Earl Sisk in the sum of \$3,000.00 in USDC No. C88-2324 DLJ entitled "Earl Sisk vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 23, 1987

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 952-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various ToweEs) in the sum of \$2,860.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incidents: January 4, 1989 through
January 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 953-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various ToweEs) in the sum of \$2,780.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incidents: October 22, 1988 through
November 8, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 954-89

THE CITY TOW (KOEHEN, HEINZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (KoeHEN, Heinz) in the sum of \$2,585.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 954-89

THE CITY TOW CO. (LONG, RON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Long, Ron) in the sum of \$2,585.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 955-89

THE CITY TOW (KENNETH NG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Kenneth Ng) in the sum of \$2,190.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 956-89

THE CITY TOW (RON HALBUR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ron Halbur) in the sum of \$2,080.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 958-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Various ToweEs) in the sum of \$1,635.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 959-89

MANUEL A. LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manuel A. Lopez in the sum of \$1,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 960-89

THE CITY TOW (GOMEZ, GILBERTO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Gomez, Gilberto) in the sum of \$1,425.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 5, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 961-89

PAUL R. SILVEIRA & CSAA INSURANCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul R. Silveira & CSAA Insurance in the sum of \$483.73 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 962-89

ANTRANIK BALIAN (CARPETERIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antranik Balian (Carpeteria) in the sum of \$350.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 963-89

KINGSLEY MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kingsley Moore in the sum of \$165.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 15, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 964-89

MIKE CRUZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Cruz in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 965-89

JOSEPH JU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Ju in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 966-89

RONALD AMOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald Amos in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 967-89

AMY KRATZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Kratz in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 968-89

PAULINA B. CONTRERAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paulina B. Contreras in the sum of \$127.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 969-89

JOSE G. PADILLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose G. Padilla in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 970-89

MARK PEDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Pederson in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 971-89

JAMES G. GREGORY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James G. Gregory in the sum of \$102.50 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 972-89

ALGIE LEE WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Algie Lee Walker in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 973-89

DARAH COLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darah Cole in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 974-89

JOHN BATISTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Batiste in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 30, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 975-89

JULIA DEDERER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julia Dederer in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 976-89

PERLIE L. MARRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Perlle L. Marron in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 977-89

MICHAEL SEAN RHODES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Sean Rhodes in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 978-89

DENNIS P. KAPLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis P. Kaplan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 979-89

DONALD KARR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Karr in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 980-89

DIANA GOLDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana Goldman in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 981-89

YELLOW CAB COOP INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Coop Inc. in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 982-89

MARRO ZUFFADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marro Zuffada in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 12, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 983-89

CURTIS JING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Curtis Jing in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 984-89

FIGRELLA TALENTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fiorella Talenti in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 985-89

BARBAREE JERNIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbaree Jernigan in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 986-89

KATHRYN CAFEALAS-SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathryn Cafealas-Schneider in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 987-89

JOSEPH GILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Gill in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 988-89

STAN D.C. WEISENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stan D.C. Weisenberg in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 23, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 989-89

ROBIN LOWEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robin Lowey in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 990-89

BRIAN KING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian King in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 991-89

PAMELA PRICHETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela Prichett in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 2, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 992-89

STEWART G. GRAHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stewart G. Graham in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 26, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 993-89

COLLEEN M. KEMP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Colleen M. Kemp in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 5, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 994-89

DANIEL C. GLICKMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel C. Glickman in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 995-89

JOHN LUI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Lui in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 8, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 996-89

BRANDEN J. LEACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Branden J. Leach in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 7, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 997-89

RENE MULLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rene Muller in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 998-89

STEPHANIE D. SEARS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie D. Sears in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 6, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 999-89

TERESITA LINDA VENEGAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresita Linda Venegas in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 4, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1000-89

ELISE ERBINARTEGARAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elise Erbinartegaray in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1001-89

MICHAEL VANNUCCHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Vannucchi in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1002-89

AARON J. LEVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aaron J. Levin in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 28, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1003-89

GLORIA KERLEGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gloria Kerlegan in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1004-89

RUTH CARLETON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Carleton in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1005-89

LESLIE S. HRUSKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie S. Hruska in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1006-89

CARTER LEE HERRERD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carter Lee Herrerd in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1007-89

BARBARA A. RUSSELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara A. Russell in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 22, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1008-89

FRANK E. BRATT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank E. Bratt in the sum of \$100.00 for stolen recovery tow, be, and the same is hereby approved.

Date of Incident: March 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1009-89

MIGUEL RAMIREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miguel Ramirez in the sum of \$100.00 for stolen recovery tow, be, and the same is hereby approved.

Date of Incident: March 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1010-89

MARK F. BALDWIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark F. Baldwin in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1011-89

DAVID CARSTENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Carstensen in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1012-89

THEP N. VU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thep N. Vu in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1013-89

MARK COULTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Coulter in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1014-89

REGINA DOUGLAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regina Douglas in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 22, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1015-89

DANIEL E. LYNCH, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel E. Lynch, Jr. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1016-89

ANTHONY DETORO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Detoro in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1017-89

MARTHA WADE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martha Wade in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 26, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1018-89

STEPHANIE MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie Moore in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 21, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1019-89

LEE SUTTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Sutton in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1020-89

STEPHANIE FELCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie Felch in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 15, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1021-89

INGRED CHAMBERLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ingrid Chamberlin in the sum of \$90.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 25, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1022-89

ELIZABETH GEBHARDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Gebhardt in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 14, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1023-89

ANDREY GOVEBERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrey Govebert in the sum of \$90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 12, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1024-89

FRANCOISE BECKMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francoise Beckmann in the sum of \$90.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1025-89

ENRICO PERELLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Enrico Perella in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1026-89

RONALD J. ROSELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald J. Roselli in the sum of \$85.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 26, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session tonight on Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Ms. Eva Royale came forth and said she had a letter that was written by Ms. Diana Lyons to Deputy Chief Willis Casey in regard to Ms. Lyons complaint regarding the document of the Officer's PIP File and Dolores Huerta. She then read the letter the gist

of which outlined the reasons for Ms. Lyons asking the Deputy Chief to recuse himself from any participation whatever in the Administration procedures that flow from the Office of Citizen Complaints in the above referenced case.

Mr. John Crew, Attorney for the ACLU then came forth and said he just wanted to briefly echo what was just read in the letter. He said the ACLU continues to be concerned, as cases are not being forwarded, and continually think there is a relatively simple solution to this problem. He said they have new problems now, Deputy Chief Casey, of course in news reports, was actually called as a witness in this case and gave testimony and was interviewed at the Office of Citizen Complaints. He said apart from all of the other reasons and for that reason alone it seems to be inappropriate to ask someone who is a witness to then be in a position of some object of the case, which he understands that while in his absence that took place during the last couple of weeks, Deputy Chief Casey was designated for that role. Mr. Crew said they (ACLU) continue to believe as they have said repeatedly in this case going back to February, after the City Attorney's Opinion came out on Valentine's Day, that this Commission has, as of one of the options was on that February 14th Opinion, is that it can direct that a verified complaint be filed so that the Commission can hear this case. He said there has been great discussion about the Chief having to verify that complaint and that is fine or the Chief's designee in this situation, but the issue is whether or not there has to be a statement in that complaint that the Chief or his designee or the Commission's designee must personally believe that the officer is guilty for that complaint to be valid. He said the ACLU has repeatedly, over the last several months, and since May in particular, attempted to get authority from the City Attorney's Office for their conclusion that somehow that would not be a valid verified complaint. He said no such authority has been forthcoming. He said they (ACLU) think that this case has dragged on too long. He said, they think that this Commission ought to take that action. There has been no indication, he said, from the City Attorney that that would be inappropriate. He said, it would remove any sort of conflict from both the Chief and Deputy Chief Casey if the Deputy was involved in the prior OCC investigation and it would allow the Commission finally to get on with resolving this case and hopefully ultimately putting this case behind them because he thinks it is not serving anybody's interest the way it is kind of stumbling along. He said so they would strongly, again encourage the Commission to pursue that course of action and vote to hold a hearing.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said to the Commissioners that he had a number of items but he would proceed with the one that has just been proceeded here with community forum on public comments. He said Deputy Chief Casey, as the Commission has designated and asked him to do an in-depth evaluation of this particular case of the OCC findings against the four (4) officers has diligently, this past week, done exactly that and is prepared to present his findings to the Commission as of this moment.

Deputy Chief Casey said he has received and reviewed the OCC Investigation and has now forwarded it to Management Control for filing of charges against all of the officers involved.

Commissioner Nelder said he would move that the Commission accept the Deputy Chief's recommendation to hear the matter. Commissioner Lee seconded and it was unanimously approved.

Commissioner Nelder said that before the Commission proceeds he would like to compliment the Chief and the Deputy Chief for the rapidity, contrary to the statements made before, in which this was accomplished. He said he thinks the Deputy Chief has only had this case for one (1) week and he should be complimented for spending the time needed to bring it in so quickly.

Chief Frank Jordan thanked the Commissioner and said that he also agrees that Deputy Chief Casey has done a very professional job. He said the Deputy had to do a great deal of soul searching on this particular case and he has made a decision totally independent of any comments from any of the rest of the Staff and it is Deputy Chief Casey's decision to sustain the charges. The Chief said that so now the Commission and he can now see what is brought before them and all of the facts will come out into the open.

Chief Jordan then said the next item that he has is that the Staff did meet, based on the Commission's request from last week's meeting, on the issue of the INS and the ABC when there was an incident out in the Ingleside District at Club Elegante about 11:00 PM where both of these agencies came to ask for assistance of the SFPD as a backup. He said since the confusion of that particular night, in terms of some of the concerns also about SF being a Sanctuary City, that particular night, in terms of some of the concerns about how the Department may fit in, he said he had a meeting this past week with both the members of the INS and the ABC and he now has written Memorandums of Understanding from both agencies which he thinks will clarify the issue once and all for the future, not only for each of the agencies and the Police Officers involved, but for the citizens themselves. He said he thinks all will now be reassured that guidelines are very clear and very specific in the fact that this is a Sanctuary City and INS, as a good example, has agreed to that fact. He said there are six different sections of it that are all pertinent. And he then read it to the Commissioners.

MEMORANDUM OF UNDERSTANDING
between the
United States Immigration
and Naturalization Service
and the
San Francisco Police Department

1. The Immigration and Naturalization Service, as an agency of the Federal Government, is responsible for the enforcement of the Immigration and Naturalization laws enacted by the Congress of the United States;
2. The San Francisco Police Department is the primary law enforcement agency in the City and County of San Francisco for the enforcement of criminal laws enacted by the California

Legislature and the Board of Supervisors of the City and County of San Francisco;

3. By Resolution #1087-85, the Board of Supervisors of the City and County of San Francisco has declared that San Francisco is a City and County Refuge for Salvadoran and Guatemalan refugees and that enforcement of immigration and refugee policy is a matter of federal jurisdiction;
4. Both the Immigration and Naturalization Service and the San Francisco Police Department recognize that the San Francisco Police Department may encounter individuals who have engaged in conduct which violates state or local law and who also may be in violation of federal law relating to immigration status;
5. The Immigration and Naturalization Service and the San Francisco Police Department agree that the San Francisco Police Department does not enforce federal immigration law, but that the San Francisco Police Department will not take any action to impede the Immigration and Naturalization Service' enforcement of immigration laws nor will the San Francisco Police Department initiate enforcement activity based solely on an individual's immigration status;
6. Except for cooperation in criminal investigation and/or the investigation of criminal aliens, the Immigration and Naturalization Service will not request the assistance of the San Francisco Police Department when solely enforcing immigration laws;

Executed this 1st day of August, 1989, in the City and County of San Francisco.

(Both documents are on file in the calendar file of this meeting.)

He said the second one is some what similar dealing with the ABC, the only difference in it is because of Business and Profession Code which dictates that the Department has to comply by giving backup as needed to the ABC Unit when they have some sort of an investigation going but the memo as written also has ABC agreeing to the Department that in most cases there is absolutely no emergency in terms of immediate response for a police officer so that if in any case they feel that there is not an emergency they will go directly to the Deputy Chief of Patrol during normal business hours or they would go to the SFPD's Operation Center for notice so that the Department can evaluate what it should or shouldn't do for an ABC backup assistance. He said if they do have an emergency the only emergency would be for one of the Agents from the ABC who might need some immediate assistance if there is some assault or some serious incident that might be occurring at his location and he is asking for immediate backup. He said this would not include a case of what happened two (2) weeks ago, July 30th. He said he would again state that this is signed by the District Administrator and his assistant and they have covered every base now that will allow them to put out what they think is a very workable solution on both ends for a Memorandum of Understanding for the Police Officers and all parties involved.

Commissioner Medina said he just hopes that the appropriate concern was registered to both INS and ABC in regard to the incident at Club Elegante and in regard, particularly, to the role of ABC in their response that they acted because they had reason to believe that illegal aliens were there. He said he recognize it the purview of ABC is not to regulate immigration in the state of California, but rather to act in regard to violations of the ABC Act.

Chief Frank Jordan said both agencies did understand the concerns as they had signed the agreements and now know where each stands in the future. He said the last item he had was just an update to let the Commission know, again regarding the concerns the Department has about the assault of Lynn Griffis of the Metropolitan Church. He said it is a subject of much discussion now and high profile in SF and among the Gay Community at large. He said he did attend, with Commissioner Gwenn Craig and with Deputy Mayor Gayle Orr-Smith and with the President of the Board of Supervisors Harry Britt, a meeting, a Church Service at the Metropolitan Church last Sunday morning, to explain exactly where the Department is with the case and to give the Community reassurance that everything is being done that can be done. He said the Department has three (3) investigators from General Works working on this case and an officer by the name of Lee Militano (sic), Community Services Division, the Department's Gay Liaison Representative, also working and keeping communication open with the Community and the SFPD. He said he also has Officer Sandi Gallant from the Intelligence Unit who is the in-house Police Department expert on Skinheads and Hate Related Crimes, and they are all working on the case. He said the Department is continuing to aggressively pursue this case and at this point, he said, the FBI to his knowledge has talked to Lynn Griffis today and the Department will have further developments there as to where the FBI fits into the case in terms of either the case crossing interstate lines, or some sort of violations of her Civil Rights and it could be in a number of different facets, either the fact that Lynn Griffis is a minister and it could be through religious discrimination or it may be from Freedom of Speech or it could be a lifestyle discrimination so, he said, that is all being evaluated now by members of the FBI with the victim. He said the Department will continue to pursue this very aggressively and continue to give the Commission updates.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, Director of OCC, said that he understands that several weeks ago in his absence there was a concern about two (2) complaints that was investigated by OCC and was ruled proper conduct. He said the OCC investigated both complaints reviewed all of the evidence and he believed that the decisions are correct. He said that in the first instance a brief scenario of the event was that a man was given a questionable traffic citation and he went to court and was found guilty and he appealed the case and the case was overturned and the complainant accused the officer of perjury. Mr. Langer said he personally spoke to the Judge in this case and she told him that the officer's testimony was credible and the reason that the case was overturned on appeal was the fact that

the court clerk had misplaced several files including the one on that particular case and that was the reason for it being overturned. He said she said there was no evidence to indicate that the officer did anything other than Proper Conduct so that decision stands. He said the second one was a complaint that a gentleman had been arrested and the police officer had been discourteous by hollering "Shut up". Mr. Langer said the member response form and the interviews and the evidence suggested there was a large number of people shouting and the officer had no other course of action other than telling the people to shut up so that he could sort through the thing and figure out who was wrong and he ultimately cited the complainant. Mr. Langer said again the review of the evidence shows that it was correct and the findings were Proper Conduct and he was reporting both of those cases as requested by the Commission.

Commissioner Giraudo said this was the case where Mr. Schomes was the complainant. Mr. Schomes, who was present acknowledged to Commissioner Giraudo that he had heard the explanation of Mr. Langer and the results of the OCC investigation.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$16,849
TO FUND AN ANTI-DRUG PROGRAM ADMINISTERED BY SAN
FRANCISCO SAFE, INC.

Ms. Suzanne London, Director of SAFE, said that she would like to withdraw this request for now pending action by the Controller's Office regarding this item. She said if need be it will be re-introduced at a later date if no action is taken by the Controller's Office. Commissioner Nelder said he would make a motion to withdraw it, Commissioner Medina seconded, and it was unanimously approved for withdrawal.

RESOLUTION NO. 939-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION IN THE AMOUNT OF \$16,849 TO FUND AN
ANTI-DRUG PROGRAM ADMINISTERED BY SAN FRANCISCO
SAFE, INC.

WHEREAS, the Chief of Police requested approval of a supplemental appropriation in the amount of \$16,849 from the Narcotics Forfeiture and Asset Seizure Fund to support the continuation of an anti-drug and crime prevention program administered by San Francisco SAFE, Inc., and

WHEREAS, Ms. Suzanne London, Director of SAFE, withdrew the request pending action by the Controller's Office regarding this item. She said if necessary, it will be reintroduced to the Commission at a later date if no action is taken by the Controller's Office; and therefore be it

RESOLVED, by motion of Commissioner Nelder and seconded by Commissioner Medina, the request is hereby withdrawn from the calendar.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER D-20,
"PREJUDICE-BASED INCIDENTS"

Chief Jordan advised the Commissioners that this Order deals with the Hate Related Crimes Special Order that had been in effect and was to be cancelled on an annual basis. He said now he has placed it into a Departmental Order which is now a permanent Order. He said they now feel very comfortable with it and with the great amount of input from the community. He said the Order covers thing dealing with prejudiced based incidents with race, color, religion, ancestry or national origin, political affiliation, sex, etcetera and he and Department Staff believes that this is a very strongly worded and excellent in-depth General Order dealing with prejudice based incidents. He said they think, in light of some of the recent developments, it is very appropriate that they make this a permanent General Order.

Ms. Jill Tregor, CUAV, said that CUAV along with many other community groups has worked closely with the Community Relations Unit of the Police Department to establish this General Order on prejudice based incidents. She said they wanted to let the Commission know that they are very pleased with the fact that the Police Department has not only acknowledged the problem of Hate Related Crimes but has been the first City Government Agency to acknowledge a response to this Problem. She said the Department has worked with Community Groups most effected by this problem which has meant a new degree of open communications between the Department and the community. She said she would like to particularly mention the efforts of Captain Jim Arnold and Inspector Tambara in this regard. She said they look forward to continuing this process with a new Captain of Community Services, Captain Minasian. She said CUAV receives reports on Hate Violence in far greater numbers than the Department currently receives and they believe that if the Department expands their efforts of community education as well as continuing their efforts to enforce the Order, things will be better for all concerned.

Mr. Samuel Cartrid, representing the Great Sounds Coalition against Anti-Asian violence. He said their coalition has been working now for almost three (3) years with the SFPD getting the General Order to where it is today. He said he believes the General Order is an important deterrent to enforcing existing Civil Rights Laws like the Ralph Act. He said it brings reports of such incidents from an anecdotal stage to an official stage. He said they can now get some idea of what the size of the problem is and who is perpetrating it and so on. He said because the Order also enhances the relationship between the Department and other community groups he would strongly urge the Commission to adopt it.

Commissioner Medina made a motion to adopt the Order, it was seconded by Commissioner Craig and unanimously approved.

RESOLUTION NO. 940-89

NEW DEPARTMENT GENERAL ORDER D-20, "PREJUDICE-BASED INCIDENTS"

RESOLVED, that the Police Commission hereby adopts the new General Order D-20, "Prejudice-based Incidents".

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER P-16,
"FIELD TRAINING OFFICER PROGRAM"

Deputy Chief Casey said this is the General Order which will firmly establish the Field Training Program as part of the Department. He said the Department has had an FTO Program an intrical part of the SFPD rather than something that has just been added on. He said the main difference between the current program and the one that was in existence before is the involvement of the District Stations' Captains. He said in the Old Program the trainees who were trained in the Stations were not under the Captain's control. He said Staff has met with all organizations that expressed interest in this and it is his understanding that Mr. Crew, ACLU, has one change he would like to make in the Order.

Mr. Crew, ACLU, said they have worked with the Department on this and have been extremely pleased with how willing the Department Staff has been to listen to their suggestions. He said the one thing he would suggest is to amend the Order with a one sentence addition saying that, "Selection of FTO's not only will their OCC and other files be reviewed but those Officers who have shown through their record they would not be appropriate role models should not be appropriate for selection to the FTO's". He said so with that minor addition they would applaud the adoption of this Order. Commissioner Medina said he would make a motion for approval with the addition of this added language. Commissioner Nelder said he would second and it was unanimously approved.

RESOLUTION NO. 941-89

NEW DEPARTMENT GENERAL ORDER P-16, "FIELD TRAINING OFFICER PROGRAM"

RESOLVED, that the Police Commission hereby adopts the new General Order P-16, "Field Training Officer Program", as amended (see attachment).

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 942-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER
CLIFTON F. FOGARTY, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Clifton F. Fogarty be set for November 8, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Clifton F. Fogarty is set for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 943-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER WALLACE W. GIN, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Wallace W. Gin, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Wallace W. Gin be set for November 8, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Wallace W. Gin is set for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST FOR A HEARING ON APPEAL OF CHIEF'S SUSPENSION IMPOSED ON POLICE SGT. GEORGE TOY, RICHMOND STATION

WHEREAS, request was received for a Police Commission hearing on the appeal of the Chief's 3-day suspension, one day imposed and two days held in abeyance for one year, imposed on Police Sergeant George Toy, Richmond Station; therefore be it

RESOLVED, that the setting of the date for the hearing on the appeal of the Chief's suspension imposed on Sergeant George Toy is scheduled for Wednesday, August 9, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 946-89

HEARING OF POLICE OFFICER PHILIP J. LEE, MISSION STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Philip J. Lee, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Philip J. Lee be continued to September 13, 1989; therefore be it

RESOLVED, that the date for the hearing of Officer Philip J. Lee is continued to Wednesday, September 13, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 947-89

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR,
PERSONNEL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and concurred by Ms. Carole Seliger, Attorney at Law representing Officer Taylor, that the date for the hearing of Officer William S. Taylor be continued to November 1, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, is continued to Wednesday, November 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
COMPLAINT FOR REVOCATION OF LIMOUSINE PERMITS #L0001
THROUGH #L0006 HELD BY ASSOCIATED LIMOUSINE OPERATORS

Officer Linda Flanders said that tonight Mr. O'Zeal is here to explain the documents. She said the complaint from the Taxicab Section is based on the papers filed by Mr. O'Zeal claiming that there are six (6) new stockholders within his company which means there has been a 23% Stock Transfer which anything over 10% per section 1083 of the MPC is a violation and requires the permits to be revoked and brought back into the system and re-issued. Mr. O'Zeal then came forth and was advised by Commissioner Giraudo that the Commission wanted to make sure that he was here and understood the repercussion.

Mr. O'Zeal said that although he is also licensed by the Public Utilities Commission of the State of California he is concerned about losing the city permits as no one knows what the future will bring and whether the lost permits, for him, will ever be good again. He said obviously they would like to keep them but they filed the report as the Commission demands and there is not much they could do about that. He said he thinks that in this particular case and in any other case bearing with these permits he said they seem to be the first ones

to really get caught up with and he knows for a fact that there have been more Limo Companies than themselves who has been doing the same thing and he would like to know if there is some kind of action going to be taken against those and if so will there be some kind of public record that they can check to see if it can be documented.

Commissioner Giraudo said the only way it would come to the attention of the Department would probably be when it came time for filling out the registration forms and those companies show a change of ownership that exceeds 10% then the Commission would go through the same proceeding for them.

Mr. O'Zeal said that then in that case there is not much else he can say other than it does loss a bit revenue for the city but again it doesn't effect his company as far as the business end of it goes.

Commissioner Nelder said he would make a motion to accept the Department's recommendation. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 948-89

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMITS #L0001, L0002, L0003, L0004, L0005 AND L0006 HELD BY ASSOCIATED LIMOUSINE OPERATORS

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine Permits #L0001, L0002, L0003, L0004, L0005 and L0006 issued to Associated Limousine Operators was called, it having been set for this date; and

WHEREAS, Associated Limousine Operators were notified by mail in February 1989, regarding the personal appearance requirement regarding the filing of the 1989 annual sworn statement; and

WHEREAS, pursuant to Article 16 of the Municipal Police Code, effective March 1, 1989, annual sworn statements required under Section 1095 are to be filed no later than May 1st of each year; however, this year only, a grace period was allowed which ended at the close of business, May 31, 1989, but Associated Limousine Operators failed to file by the end of the grace period; and

WHEREAS, Associated Limousine Operators were notified by mail regarding a Chief's Hearing to be held on June 6, 1989. This hearing was to show cause why their permits should not be referred to the Police Commission for possible revocation but Associated Limousine Operators failed to appear at the hearing, nor did they submit a reason or excuse for failure to file the annual sworn statement in a timely manner; and

WHEREAS, Mr. Robert Oziel appeared at this meeting representing Associated Limousine Operators but did not give mitigating circumstances as to failure to file the required sworn statement; and

WHEREAS, Section 1095 of the Municipal Police Code states: "Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate."; therefore be it

RESOLVED, it is the findings and decision of the Commission that Limousine Permits #L0001, L0002, L0003, L0004, L0005 and L0006 issued to Associated Limousine Operators are hereby revoked.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
APPLICATION OF EDMUND L. JUNG FOR THREE MOTORIZED
RICKSHAW PERMITS

Officer Linda Flanders, Taxicab Section, said that on June 27th of this year, Edmund Jung filed an application for three motorized rickshaws. She said he based his application on Section 1168 of the New Article 16 of the New Article 16 which states that on application, any person who held a motorized rickshaw permit on September 15th 1984, or on the effective date of this article, shall be entitled to hold an equal number of such permits. On September 15th 1984, she said, Mr. Jung held three (3) motorized rickshaws. She said the Police Commission Resolution dated December 16, 1963 authorized the operation of three (3) motorized rickshaws by Edmund Jung as Sightseeing Buses. She said on July 9th of 1987, the Police Commission revoked all three of these permits. She said the revocation of these permits ended months of hearings before both the Chief of Police and the Commission. She said the charges against Mr. Jung were for numerous violations over the years including lack of insurance, non-operation and failure to fill out waybills and transfer of his Rickshaw and Limousine Permits from himself to his cooperation. She said on December 9th 1987 the Board of Appeals upheld the findings of the Police Commission and officially revoked Mr. Jung's Motorized Rickshaws. She said while the Taxicab Section does have reservations regarding Mr. Jung's ability to manage his business, the new Section does, however, clearly state that upon application any person who held a motorized rickshaw in 1984 shall be give three (3) or more such permits under this article. She said to avoid a re-occurrence of this and avoid the past problems that they had with Mr. Jung if the Commission accepts his application they would ask that certain written stipulations be added including a one year probationary period.

The Commission, after hearing from Mr. Jung's former Attorney Mr. John Prentice and a question and answer session conducted by Commissioner Nelder with Mr. Jung, Commissioner Nelder said he has found over the years that Mr. Jung has made conscientious efforts in his operations. He said Mr. Jung ran into problems that some times seemed to be almost insurmountable and what he would do is make a motion for approval with the conditions as stipulated but without a year's suspension as was recommended by the Taxicab Section. He said what he would recommend is that the Commission review this matter after a one-year operation.

Commissioner Medina said he would second the motion with the stipulation that the Commission strike the one year probationary status. He said he was President of the Board of Permit Appeals when this came up and he was one of two Commissioners who in fact did vote in favor of Mr. Jung so he would second Commissioner Nelder's motion with the

stipulation that the one year probationary period be deleted. Commissioner Nelder advised that he did use the word review. Commissioner Medina said then that was okay for his second. The motion was then unanimously approved.

RESOLUTION NO. 945-89

HEARING ON APPLICATION OF EDMUND L. JUNG FOR THREE
MOTORIZED RICKSHAW PERMITS

WHEREAS, the request of the Chief of Police for a hearing on the application of Edmund L. Jung for three motorized rickshaw permits was called, it having been set for this date; and

WHEREAS, Municipal Police Code Section 1160 now states that "...upon application any person who held motorized rickshaw permits on September 15, 1984 or on the effective date of this article shall be entitled to hold an equal number of such permits under this Article."; and

WHEREAS, Mr. Edmund Jung held three motorized rickshaw permits on September 15, 1984; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that the application of Edmund Jung for three motorized rickshaw permits is approved with the following stipulations:

1. That Mr. Jung not apply for a suspension during the months he operates. (Current regulation allows motorized rickshaws to operate during peak tourist season only: June/July/August.)
2. That Mr. Jung shall have his motorized rickshaws inspected by the Taxicab Section prior to operation.
3. That Mr. Jung shall file routes with the Taxicab Section prior to operation.
4. That Mr. Jung shall have valid insurance on file with the Taxicab Section prior to operation and that this insurance be pre-approved by the City's Risk Manager, Keith Grand.
5. That Mr. Jung be reminded by the Police Commission that the filling out and keeping of way bills is mandatory. Failure to file these way bills shall be grounds for revocation.
6. That the permit be issued in the name of Edmund L. Jung and not in the name of his corporation, Chinatown Rickshaw Tours.
7. That Mr. Jung be required to be a full time owner/operator as prescribed by Section 1081.6.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

At this time the Commission reconvened the Hearing of the four Inspectors that had begun at 4:00 PM and recessed at approximately 5:15 PM.

The meeting, thereafter, was adjourned at 8:10 p.m.


Lieutenant Willie E. Frazier -
Secretary
THE POLICE COMMISSION

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AUGUST 9, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 9, 1989 at 1700 hours in Closed Session. DOCUMENTS DEPT.

Commissioner Nelder presiding.

NOV 28 1989

1. Attorney-Client Conference

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

AUGUST 9, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 9, 1989 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF MAY 10, 1989

Approval of Minutes of Meeting of May 10, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1033-89

CALIFORNIA STATE AUTOMOBILE ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association in the sum of \$2,028.80 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1034-89

ARMOND PELISSETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Armond Pelissetti in the sum of \$2,003.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1035-89

NATIONWIDE INSURANCE (INS: PHYLLIS DENT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nationside Insurance (Ins: Phyllis Dent) in the sum of \$1,186.65 for damages sustained, be, and the same is hereby approved.

Date of Incident: March 4, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1036-89

DONALD RAICHLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Raichle in the sum of \$1,068.50 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 25, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1037-89

STATE FARM INSURANCE (INS: CESAR GUEVARA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Ins: Cesar Guevara) in the sum of \$910.10 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1038-89

MARY M. PORTER & INTERINSURANCE EXCHANGE OF THE
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary M. Porter & Interinsurance Exchange of the Automobile Club of Southern California in the sum of \$826.03 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 12, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1039-89

ROY NAVIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy Navik in the sum of \$643.89 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1040-89

MABEL ANDERSON & ALLSTATE INSURANCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mabel Anderson & Allstate Insurance in the sum of \$332.53 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1041-89

AARON ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aaron Allen in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1042-89

BETTYE GARNER

RESOLVED, that the recommendation of the City Attorney for settlement of the Bettye Garner in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1043-89

PATRICIA M. GOODIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia M. Goodin in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1044-89

GEORGE FRENKEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George

Frenkel in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1045-89

CLAUDELL J. JACK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claudell J. Jack in the sum of \$140.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 8, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1046-89

JOHN LUI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Lui in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1047-89

CHARLES A. De MARCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles A. De Marco in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 4, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1048-89

ARTHUR B. FRANKLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur B. Franklin in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1049-89

RITA HARONIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rita

Haronian in the sum of \$125.00 for recovery tow, be,
and the same is hereby approved.

Date of Incident: July 7, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1050-89

ROBERT K. GLENN

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Robert K.
Glenn in the sum of \$100.00 as a result of a faulty
tow, be, and the same is hereby approved.

Date of Incident: June 22, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1051-89

MARY SUE SKIE

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Mary Sue
Skie in the sum of \$100.00 as a result of a faulty
tow, be, and the same is hereby approved.

Date of Incident: February 26, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1052-89

BRANDY LIND

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Brandy Lind
in the sum of \$100.00 as a result of a faulty tow,
be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1053-89

FLORENCE R. SULLIVAN

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Florence R.
Sullivan in the sum of \$100.00 as a result of a
faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1054-89

ROY A. LONEY

RESOLVED, that the recommendation of the City
Attorney for settlement of the claim of Roy A. Loney

in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1055-89

MARK BURDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Burden in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1056-89

ARNEL SANTOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arnel Santos in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1057-89

MANUEL A. MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manuel A. Martinez in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1058-89

A. BOURBON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of A. Bourbon in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1059-89

DEBORAH CHRISTOFFEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah

Christoffel in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1060-89

GONZALO Y. CUNANAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gonzalo Y. Cunanan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1061-89

JAIME V. TORRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaime V. Torres in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1062-89

MICHAEL GRASSIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Grassia in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1063-89

ANTONIO SAVALA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Savala in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1064-89

SABRIAN MILBURN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sabrian

Milburn in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1065-89

SUZANNE C. LEVINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne C. Levine in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 9, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1066-89

CHARMAINE EMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charmaine Emery in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 23, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1067-89

RICHARD A. PARTEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard A. Partee in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1068-89

MELANIE GOLD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie Gold in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 19, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1069-89

STEPHANIE KEITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie

Keith in the sum of \$95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Not stated

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1070-89

AGNES B. WYNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Agnes B. Wynn in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1071-89

CARLOS LIMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Lima in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1072-89

ANNE J. CHRISTENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne J. Christensen in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1073-89

DR. PATRICK L. ELLIOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dr. Patrick L. Elliott in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1074-89

SHARON RUMMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon

Rummery in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1075-89

JAMES H. ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James H. Robinson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1076-89

GINA MARIE PODESTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Marie Podesta in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1077-89

LINDA PETTIBONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Pettibone in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1078-89

STEVEN J. KLOCKSIEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven J. Klockslem in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 26, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1079-89

SCOTT GLOBUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Globus

in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1080-89

JAMES R. BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Baker in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1081-89

NORMAN B. PIKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman B. Pike in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1082-89

ALAIN MIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alain Mis in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1083-89

LUTRELL B. HUDDLESTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lutrell B. Huddleston in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1084-89

AUREA RAMOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aurea Ramos

in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 5, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1085-89

CAROLINE DUCATO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Caroline Ducato in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1086-89

LEO N. SHIELDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leo N. Shields in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1087-89

JOSE R. NEVAREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose R. Nevarez in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 21, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1088-89

STUART S. FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stuart S. Fong in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 16, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1089-89

CHRISTINE KUBO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine

Kubo in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1090-89

FRANCISCO A. ZEPEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francisco A. Zepeda in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1091-89

DWIGHT DONOVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dwight Donovan in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 6, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1092-89

GREGORY A. ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory A. Robinson in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 15, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1093-89

KARL FISCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karl Fischer in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1094-89

GEORGE E. BARANTSEFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George E.

Barantseff in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1095-89

HOM, EDWARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hom, Edward in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1096-89

HWAJA KIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hwaja Kim in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 9, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1097-89

STEPHEN HEVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Hever in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1098-89

JOYCE PANCOAST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Pancoast in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1099-89

HELEN S. CASTANEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen S.

Castaneda in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 25, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1100-89

JONATHAN B. KREGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan B. Kreger in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1101-89

SHARON T. SCHWEITZER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon T. Schweitzer in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: February 7, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1102-89

EDNA LABAYOG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edna Labayog in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 6, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1103-89

ISABEL YRIGOYEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Isabel Yrigoyen in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 27, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1105-89

BOBBIE STEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bobbie Stein

in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 21, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1106-89

DARNELL PERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darnell Perry in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 12, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1107-89

JUAN REYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juan Reyes in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 12, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder announced that the Commission met in Executive Session this afternoon in an Attorney-Client Conference on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Lester Almstead Rose, CUAV, said that with the situation that has been happening in the last week or two around the Reverend Lynn Griffis he really wanted to say that Police Chief Frank Jordan, in particular, and the whole Department has done a terrific job working with the community, working with his agency, CUAV, and he thinks he can speak for the MCC also. He said the Department has done a great job and that they (Department) and his agency (CUAV) has worked in tandem on it but it is not over yet and he wanted to publicly say that CUAV is very, very pleased with the way it has come out and with the cooperation extended by the Department. Commissioner Nelder said that is the way it came across to the Commission also and Commissioner Craig can respond to that.

Commissioner Craig said she would just join in saying that she thinks CUAV have had expressed how impressed they have been with the investigative team, not only in the thoroughness of their work but also in the sensitivity that they have shown in the new disclosures and how that has been handled. She said the investigators have made it very clear,

since they investigate cases of this type that are valid, that it is as important to them that the public understands that this incident does not detract from other cases which do need to be investigated and need public cooperation in order for those investigations to succeed. She said so Mr. Rose's comments are much appreciated and she feels they are shared by many in knowing that the Community United Against Violence is at this time in complete tandem with the police and its work and is very appreciative in how it has gone.

Steve Johnson, Secretary of the SFPOA, said the SFPOA must take exception to the recent press release issued today by Mr. Dan Silva formerly with the OCC. He said Mr. Silva has tried to mask his unprofessional and unethical conduct by refusing to accept the responsibility that was solely his. He said it was Mr. Silva and not the process that lacked integrity. He said Mr. Silva has breached the trust of the public he served for which there is no excuse.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,000 TO FUND A POLICE ATHLETICS LEAGUE (PAL) BOXING PROGRAM IN THE WESTERN ADDITION, HUNTER'S POINT AND SUNNYDALE COMMUNITIES, WHICH WILL BE APPROPRIATED FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND

Commissioner Medina said that based on the need for some additional information that was raised he said he would like to move that the Commission postpone this item for one week for further deliberation. Commissioner Craig said she would second the motion. It was then unanimously approved to be continued to next week's meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two (2) items and one was a brief update on the Reverend Lynn Griffis' situation. He said the Department has received today, late this afternoon, a written report from the Medical Examiner Dr. Boyd Stevens and it is being evaluated now by the Department's Investigative Teams. He said the teams are finding some problems with the consistencies and inconsistencies in the original testimony and also finding some now in this second new testimony and they will probably, after reviewing it tonight and probably tomorrow morning, make an announcement of their findings. He said they would call some of the affected parties in again as they did the last time so some time tomorrow they will make an announcement to the public. He said the second one is on the discussion of the Press Conference this morning by an OCC member Dan Silva. He said he believed that the particular statement of which he has a copy with him, leaves more questions unanswered than answered. He said the press release by Mr. Silva reveals that Mr. Silva, by his own words, did leak the investigation to the public and the press and what concerns him as Chief of Police is that who else did he give it to besides the press. He said that is a serious concern to him as an Administrator of the SFPD because the Department has many people who would use the information, and who are actually suing the City, those Attorneys who are actively

pursuing this case. He said all of the information needs to be brought out in the proper forum so that all parties may have their due process to decide what is factual and what is not before it is all given out as rumor, innuendo, and personal opinions. He said the other concern he has is the fact that it was leaked at all and is a continuing concern because Dan Silva and the OCC does report to the POLICE COMMISSION so for whatever reasons and logic he sued to pass it on to the public or the press he still has the Police Commission, made up of five (5) members, to whom he is obligated to report and who represent a broad cross section of this city. The Chief said he could have gone to all five of the Commissioners or anyone of them with whatever concerns he may have had so that they could evaluate and make the proper determination as to what should or shouldn't be done. He said the press release that he (Chief) gave out over two (2) months ago, two months before Mr. Silva decided as stated in his press release to leak this information to the press, there is a public statement that he, the Chief, sent out to the press dated May 16th, 1989. He said it states that "I have reopened the Management Control Investigation regarding Officer Frank Achim and the Dolores Huerta incident of last September. Additional information has come to light which may or may not have a bearing on the case. Officer Achim claims that his Supervisor removed but did not destroy a document from his Personnel File. While this in itself is not inappropriate the circumstances and timeliness of its removal, as it relates to the Huerta incident, must be closely examined. Once the investigation is completed the entire matter will be presented before the Police Commission for its review. I believe the public's confidence in this police department demands full disclosure." The Chief continued by saying that it now bothers him that Mr. Silva states that he has to give this information out because he feels that it wouldn't be fair hearing in some way when this information was made public two months before Silva released it to the press. The Chief said that he also had some concerns because he has responsibility as the Chief of Police for discipline in the SFPD and when he reviews the cases, many of which are sustained cases from the OCC, they do not warrant the maximum in terms of 30, 60 or 90 days or possible termination, or to be brought before the Police Commission for a full hearing. He said many of those that he has heard and overwhelmingly in many cases, are ones that have resulted in reprimands, admonishments or imposing suspensions of from one to ten days off without pay. He said going by what Dan Silva is stating, recommending every case to come before this Police Commission, most of which he (Chief) handles approximately four or five such cases everyweek whether they come from the Management Control Division or the OCC, there is no way that the Commission could handle all of those cases as they would be inundated. Those cases, he said, should be handled as part of his responsibilities as Chief of Police. He said so he would not abdicate that role as he feels it is important that he does look at discipline and that he handle the cases accordingly based on evidence, substantiated documented evidence, that he can sight a document that states that under penalty of perjury of that which he believes to be true and have the evidence to back it up. He said looking at it logically here he also sees the danger of statements that have been made already in the leak. He said there is obviously a damaging credibility now for

the OCC process. He said there is one problem that he can now see where police officers will find it difficult to go to the OCC when they thought that whatever information they gave was being held confidential until it gets to a proper hearing but now could be leaked to anyone. He said so there is a credibility gap here that needs to be dealt with in a hurry. He said it also undermines the citizens rapport, the existing rapport, with the SFPD because of the perception now that something has been done that shouldn't have been done. He said his final conclusion is that he would suggest a meeting with this Police Commission, himself and the Director of the OCC so all could evaluate what has been said so far in this press release by Dan Silva and then go from there to look at some way to get the wave length back on the same communicating level to see what can be done in a constructive way to resolve this issue as soon as possible.

Commissioner Craig said she and her colleagues share the Chief's concerns that the public have confidence in the SFPD. She said one part of the Department that the public must also be confident in is the Office of Citizen Complaints. She said they knew in 1982 when the OCC was created that one important factor in maintaining public trust was to maintain confidentiality and it is just as important to the officers who have charges against them that that confidentiality be maintained and it is also important to witnesses who might wish to step forward and disclose facts that are known to them, civilian witnesses, as well as members of the police department. She said she thinks many people share Mr. Silva's concerns about strengthening the OCC but it is weakened by weakening the public trust and she feels that his motives, if they are as they are read, have been perhaps played out in an improper fashion and they are not going to achieve the goal that he is looking for. She said the Commission will be taking this matter up and will be looking at ways in which it can continue to see that confidentiality is maintained.

Commissioner Nelder said to the Chief that in the Chief's report he had asked for a meeting between himself, the Commission and Mr. Langer and that meeting will certainly be held.

Mr. John Crew then came forth and said if in fact that is a meeting with the full Commission then that meeting would, by necessity, take place in public so there would be public, at least, viewing of that meeting and hopefully public comment. He said there is great public concern about many of the problems that have been raised, the POA, the Chief, Mr. Silva's comments and if one is speaking about credibility and confidence it is not just credibility in the OCC. He said he would just point out that this particular incident has been handled in a very expedited fashion and thinks if nothing else it should be pointed out that Mr. Silva has come forward regardless of his action, has come forward and admitted as to what took place. He said he didn't think they should go past here tonight without mentioning that. He said it has been eleven (11) months now since the Dolores Huerta incident and for a variety of reasons that case drags on but he thinks it is in stark contrast to the two (2) or three (3) weeks that this has been at issue and it has now been resolved. He said so they would now ask that if there is a meeting, they believe under the Brown Act, that it must be done in public and include the participation and involvement of everyone.

Chief Jordan said that he had one more comment he would like to make on Mr. Crew's comments. He said when Mr. Crew mentioned that this case now with Dan Silva has been resolved he thinks it is far from resolved. The Chief continued by saying that he thinks there are a great number of questions that still must be answered, there is a Grand Jury Investigation undergoing this whole issue of the leak in the OCC and there are a lot more questions instead of just walking away and saying he resigned and everything is fine. The Chief said he thinks it is only the beginning.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said that at the Commission's request approximately two and a half weeks ago he began an investigation with the assistance of Deputy City Attorney John Holtzman into the OCC leak. He said their investigation revealed that Mr. Silva was responsible and the recommendation, of course, from him (Langer) would be termination and in light of that recommendation Mr. Silva has tendered his resignation which he has in front of him tonight effective September 8, 1989. Mr. Langer said he was accepting it and he knows in his mind it is a serious breach of ethics and they will do everything that they can to make the OCC process work. Mr. Langer continued by saying that he pledge to the Police Commission and to the people of the City and County of San Francisco that the remaining members of the OCC will do everything in their power to gain public trust, to enhance the OCC's position, to do the job they are supposed to do within their confines of confidentiality and all of the other issues surrounding their job. He said Mr. Silva will be off the premises within the next couple of days as he has to clean out his office. Mr. Langer said Silva's resignation is effective September 8, 1989 and he will be on leave until that time.

Commissioner Nelder said to Mr. Langer that this Commission wants to commend him and Mr. Holtzman for their efforts in that investigation. He said at the time Mr. Langer was directed to conduct and investigation with the idea of finding out who released this unauthorized information in his office there was also a team set up, by the Commission President Commissioner Giraudo, of Commissioner Medina and himself (Nelder) and so they know first hand what efforts Mr. Langer has put into this. He said they know that Mr. Langer has put in many hours and worked very hard and finally came to a conclusion. Commissioner Nelder said each person in the OCC's organization has to be completely trustworthy and it isn't so much so on the material that was leaked being anything other than what would have eventually been made public anyhow so there is a judgement factor that has to be involved. He said but his comments at this particular time are directed toward Mr. Langer and Mr. Holtzman and that they both certainly deserve credit for working very hard in this matter in bringing it to a conclusion so that Mr. Langer can now restructure the OCC and move ahead.

Commissioner Medina said he would like to second those remarks in regard to the effort that Mr. Langer did make.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$141,547
TO ENSURE THE TIMELY ADMINISTRATION OF THE SERGEANT
AND ASSISTANT INSPECTOR EXAMINATIONS

Ms. Kathleen Hurley of the Consent Decree said that she had made this request to insure that they have sufficient funds to run their Sergeant and Assistant Inspectors Examination. She said when they originally budgeted for those positions they didn't know how many people might apply, or what types of test they might be giving and so on. She said now that they have more information it appears this may be the amount of funding they need. She said they don't know yet whether there will be 1,300 applications, 1,000 or 500. She said this estimate is based upon a thousand applications. She said they will probably be taking those applications in mid-August and will have better information at that time but she thought it would be a good idea to put forward the request as soon as they had the information to do so.

Commissioner Craig questioned the item listed as Personnel Decisions which was budgeted at \$220,000 and wanted background as to what it referred to. Ms. Hurley said that this is a group that has been hired by the City to conduct the examinations. She said they are actually a firm that specializes in test instructions and they have helped the Consent Decree Unit put together the job analysis. She said a Consent Decree Unit requires that an outside expert be brought into the Department to conduct examinations. She said it is her Staff that gives them the support to do those projects.

Commissioner Lee said he would move for approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1027-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION IN THE AMOUNT OF \$141,547 TO ENSURE
THE TIMELY ADMINISTRATION OF THE SGT. AND ASSISTANT
INSPECTOR EXAMINATIONS

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$141,547 which will appropriate funds to the Department's "Other Services" account, so that Q50 Sergeant and Q35 Assistant Inspector examinations may be conducted during December 1989.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

SETTING OF DATE FOR HEARING ON APPEAL OF CHIEF'S
SUSPENSION IMPOSED ON POLICE SERGEANT GEORGE TOY,
RICHMOND STATION

Mr. M. Gash, Attorney for the Department and Mr. Vince Courtney appeared before the Commission on this item. Mr. Gash said because this is an Appeal of a Chief's Suspension, the Charter requires that it be heard within thirty (30) days but he has spoke with Mr. Courtney and he is willing to agree to Sgt. Toy waiving the thirty (30) day time period and that the matter be set for September 13th, 1989. Commissioner Medina said he would make the motion for that date, Commissioner Craig seconded and it was unanimously approved.

RESOLUTION NO. 1028-89

SETTING OF DATE FOR HEARING ON APPEAL OF CHIEF'S
SUSPENSION IMPOSED ON POLICE SERGEANT GEORGE TOY,
RICHMOND STATION

WHEREAS, the date for the setting of the hearing on the appeal of the Chief's three-day suspension, one day imposed and two days held in abeyance for one year, imposed on Police Sergeant George Toy, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Sergeant George Toy be set for September 13, 1989; therefore be it

RESOLVED, that the date for the hearing of Sergeant George Toy is set for Wednesday, September 13, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

REQUEST FOR A HEARING ON APPEAL OF CHIEF'S
SUSPENSION IMPOSED ON POLICE SERGEANT GILE A.
PURSLEY, MISSION STATION

WHEREAS, request was received for a Police Commission hearing on the appeal of the Chief's two day suspension imposed on Police Sergeant Gile A. Pursley, Mission Station; therefore be it

RESOLVED, that the setting of the date for the hearing on the appeal of the Chief's suspension imposed on Sergeant Gile A. Pursley is scheduled for Wednesday, August 16, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1030-89

HEARING OF POLICE OFFICER LUIS HAMILTON, INGLESIDE
STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Luis W. Hamilton, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Ms. Carole E. Seliger, Attorney at Law representing Officer Hamilton, that the date for the hearing of disciplinary charges filed against Officer Hamilton be continued to a later date; therefore be it

RESOLVED, that the date for the hearing of Officer Luis W. Hamilton is continued to Wednesday, October 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

HEARING ON MOTION TO DISMISS CHARGES AGAINST POLICE
OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND
INVESTIGATIONS

The hearing on motion filed by the attorneys for Police Officer Joseph C. Kirley to dismiss charges filed against him was called, it having been set for this date.

Mr. Jerry Spolter, Attorney at Law, appeared on behalf of Officer Joseph C. Kirley.

Mr. Michael Gash appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Spolter for Officer Kirley, presenting his motion to dismiss charges against Officer Kirley and reasons therefor. During Mr. Spolter's presentation, he entered additional documents relating to his Motion for Dismissal of the disciplinary matter against Officer Joseph C. Kirley. These documents, Nos. 1-4 are correspondence between Mr. Gash and Mr. Spolter, No. 5, excerpts from hearing of June 21, 1989, and No. 6, Standing Order of the Superior Court.

Mr. Michael Gash presented arguments in rebuttal, written and verbal, objecting to dismissal of charges filed against Officer Kirley.

The Commission, having read previously submitted written arguments by both attorneys, Mr. Spolter and Mr. Gash, and listening to their verbal arguments adopted the following resolution:

RESOLUTION NO. 1031-89

DECISION ON MOTION TO DISMISS CHARGES AGAINST
OFFICER JOSEPH C. KIRLEY

RESOLVED, on motion by Commissioner Medina and seconded by Commissioner Lee, the Commission hereby denies Attorney Jerry Spolter's motion to dismiss charges against Police Officer Joseph C. Kirley.

AYES: Commissioners Craig, Medina, Nelder, Lee
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

RESOLUTION NO. 1032-89

HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC
ENFORCEMENT AND INVESTIGATIONS

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. Jerry Spolter, Attorney at Law representing Officer Kirley, that the date for the hearing of Police Officer Joseph Kirley be continued to a later date; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer

Joseph Kirley be continued to Wednesday, November 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

The meeting, thereafter, was adjourned at 7:15 p.m. in memory of Captain William J. O'Brien, former Department Secretary and Secretary to the Police Commission.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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6/89
AUGUST 16, 1989

SP
CLOSED SESSION

The Police Commission Committee of Two met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, August 16, 1989 at 4:00 p.m. in Closed Session

DOCUMENTS DEPT.

Commissioners Craig and Lee attending.

NOV 28 1989

1. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, August 16, 1989 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

1. Personnel Matter

AUGUST 16, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 16, 1989 at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Craig, Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF MAY 17, 1989

Minutes of Meeting of May 17, 1989 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1113-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towes) in the sum of \$3,655.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1114-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towes) in the sum of \$3,515.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1115-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towees) in the sum of \$2,990.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1116-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towees) in the sum of \$2,780.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1117-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towees) in the sum of \$2,735.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1118-89

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towees) in the sum of \$2,735.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1119-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towees) in the sum of \$2,430.00 for towing and storage fees, be and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1120-89

THE CITY TOW CO. (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (various towes) in the sum of \$685.00 for towing and storage fees, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1121-89

DAN GOSSETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dan Gossett in the sum of \$265.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 7, 1980

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1122-89

SARAD S. RANJIT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sarad S. Ranjit in the sum of \$215.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 30, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1123-89

PHILIP MASSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Massey in the sum of \$200.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: April 1, 1989

AYES: Commissioners Giraudo, Craig, Lee, Medina,
Nelder

RESOLUTION NO. 1124-89

MARC HIRSCHFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc Hirschfield in the sum of \$185.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1125-89

MAURICE D. HAWK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maurice D. Hawk in the sum of \$165.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1126-89

PEGGY L. McDERMOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peggy L. McDermott in the sum of \$150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1127-89

GENEVIEVE L. CALLEJO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Genevieve L. Callejo in the sum of \$150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 7, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1128-89

GREBERT IGOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grebert Igor in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 17, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1129-89

MARIA L. DODDS-PETERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria L. Dodds-Peterson in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1130-89

HELEN ADAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Adam in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13,-1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1131-89

STEVE FARZAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Farzan in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1132-89

ROY KILLEEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy Killeen in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1133-89

HUGO I. MYRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hugo I. Myron in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 3, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1134-89

BRUCE ROEHRS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Roehrs in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1135-89

SURITHA JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suritha Jackson in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1136-89

DARRELL A. CHANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darrell A. Chang in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1137-89

HA LUONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ha Luong in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 1, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1138-89

CHARLES XIANG XU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Xiang Xu in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1139-89

LAWRENCE H. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence H. Wong in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 8, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1140-89

JIMMIE L. STILLWELL, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jimmie L. Stillwell, Jr. in the sum of \$90.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1141-89

RON SNYDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Snyder in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: February 17, 1989

AYES: Commissioner Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1142-89

CHEYNEY STEININGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cheyney Steininger in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1143-89

CHARLES E. MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles E. Moore in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1144-89

EDDIE WALLACE, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Wallace, Jr. in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1145-89

PERRY R. MASON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Perry R. Mason in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 5, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1146-89

PHILLIP JACKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phillip Jacka in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 8, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1147-89

HENRY B. GROVER III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry B. Grover III in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1148-89

HAZEL AUTRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hazel Autry in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1149-89

DARRELL LEAMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darrell Leamon in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: December 7, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1150-89

JENNIFER REICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Reich in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: February 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1151-89

CARRIE DONNELLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carrie Donnelly in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: March 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1152-89

WILLIAM ROPAGLIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Ropaglia in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1153-89

CHARLES GRASSIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Grassis in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: Not stated

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1154-89

PATRICK J. COLEMAN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick J. Coleman, Jr. in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: Not stated

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1155-89

KARIN B. SCHIFFMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karin B. Schiffman in the sum of \$80.00 for towing and storage fees, be, and the same is hereby approved.

Date of Incident: January 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1156-89

EDWARD KALEIKAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Kaleikau in the sum of \$80.00 for towing charges, be, and the same is hereby approved.

Date of Incident: October 2, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1157-89

JOANNE M. LUJAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne M. Lujan in the sum of \$80.00 for towing and storage fees, be, and the same is hereby approved.

Date of Incident: November 11, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1158-89

JONATHAN B. BRENNAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan B. Brennan in the sum of \$80.00 for towing and storage fees, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1159-89

CARRIE A. CANTERAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carrie A. Canteras in the sum of \$80.00 for towing and storage fees, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1160-89

NICHOLAS G. FOSKARIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas G. Foskaris in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 28, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1161-89

TOM F. BAPTIST, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom F. Baptist, Jr. in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: April 3, 1989

AYES: Commissioner Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1162-89

ANN PODESTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Podesta in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: January 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1163-89

GARY PATRICK ZOLLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Patrick Zoller in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: March 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1164-89

GERALD GRIFFIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald Griffin in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: April 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1165-89

CHARLES EHM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Ehm in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: April 21 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1166-89

KEVIN J. O'DONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin J. O'Donnell in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: April 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1167-89

RUSSELL SIMMONS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell Simmons in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: April 17, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1168-89

MICHAEL H. SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael H. Sullivan in the sum of \$80.00 for towing charge, be, and the same is hereby approved.

Date of Incident: March 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1169-89

RONALD L. SCHNAAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald L. Schnaar in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1171-89

HEIDI HARNISCHFEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heidi Harnischfeger in the sum of \$80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: March 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1172-89

MICHAEL PENNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Pennett in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1173-89

BRUCE A. LOCKWOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce A. Lockwood in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1174-89

FREDERICKA COLEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fredericka Coleman in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1175-89

ORALENE FORTSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oralene Fortson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1176-89

MARY B. CONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary B. Connell in the sum of \$75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1177-89

SUSAN ALLINSMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Allinsmith in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1178-89

JOSEPH M. MAITLESS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph M. Maitless in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 26, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1179-89

ELAINE A. MAUTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elaine A. Maute in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1180-89

VALERIE GADWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Gadway in the sum of \$60.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1181-89

GREGORY CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory Clark in the sum of \$40.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1182-89

GALE J. LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gale J. Leung in the sum of \$40.00 for storage, be, and the same is hereby approved.

Date of Incident: June 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1183-89

STEVEN JOHN MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven John Martin in the sum of \$35.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1184-89

CYNDY LYNCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cyndy Lynch in the sum of \$25.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1185-89

CLAUDIA A. MOOSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claudia A. Moose in the sum of \$20.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 12, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1186-89

FRANK LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Lee in the sum of \$20.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1187-89

KARIN TORGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karin Torger in the sum of \$20.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

POLICE COMMISSION REPORT

The Committee of Two, Commissioners Lee and Craig, met in a Special Meeting this evening on a Personnel Matter and no vote was taken.

Commissioner Giraudo announced that the Police Commission met this evening in Executive Session on a Personnel Matter and no vote was taken.

Commissioner Nelder then gave a report regarding the Committee of Two which consisted of Commissioners Medina and himself, appointed by President Giraudo to oversee the investigation by Director Langer in relation to the release of unauthorized OCC investigative material a couple of weeks ago. He said that matter has now come to a conclusion; however, during their time of overseeing the investigation, it certainly came to their attention that Director Langer needed to strengthen the top command of his Agency. He said they (Committee of Two) by virtue of looking into the matter are prepared now to make a motion to instruct Director Langer to submit a proposal to this Commission seeking an assistant to himself which would be a Deputy Director of the OCC and a Chief Investigator and provisions for upgrading and maximizing the training of the OCC respective investigators. He said he would make that in the form of a motion. Commissioner Medina said he would second that motion and it was unanimously approved.

(a) PUBLIC COMMENTS

Mr. John Schomes who had filed a complaint against a police officer came to the Commission and said that he was not satisfied with the OCC results. It was noted that approximately two weeks ago the OCC Director had reported to the Commission during a public hearing that Mr. Schomes' complaint had been investigated, that the complaint was unfounded and that no further action would be taken and Mr. Schomes' case was closed. Mr. Schomes, who was present also at that time, said he did not accept that explanation in that he wanted to confront the officer face to face. Commissioner Giraudo pointed out the legalities of the issue involved and that to confront the officer in this case would call for a Fact Finding Hearing which was within the sole discretion of the Director of the OCC. He said the Director has stated that the case was closed. With that as a reality, he said, the Commission has to rely on the Director of the OCC and its investigators and therefore were in unanimous accord with the findings.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items other than what is on the calendar tonight. At this time Commissioner Medina said he would like to bring up something. He said sometime in the past the matter of hot pursuit was discussed. He said there were two programs nationally in regard to the subject of hot pursuits and one of the leading authorities was someone from the California Highway Patrol who has policy language in regard to high speed chases.

He said he wondered if the Commission could have this item on the agenda at some point and take a look at SFPD's policy in comparison. Chief Jordan said he had no problem with that at all and that the Commission could have it on as early as next week if the Commission so desires. He said he would pursue this and report on it at next week's meeting, if he prefers.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer announced that the OCC had nothing to report to the Commission tonight.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,000 TO FUND A POLICE ATHLETICS LEAGUE (PAL) BOXING PROGRAM IN THE WESTERN ADDITION, HUNTER'S POINT AND SUNNYDALE COMMUNITIES, WHICH WILL BE APPROPRIATED FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND

Chief Jordan said the Department wholeheartedly supports and endorses this program through the PAL. He said the \$40,000 will come from Narcotics Forfeiture and Asset Seizure Funds which still has approximately \$90,000 remaining in the account. He said the idea is to have weekly boxing programs in the Western Addition, Hunter's Point and Sunnydale areas of San Francisco. The idea is to have off-duty San Francisco Police Officers two days a week, two hours a day, at sites in these three locations and there would be a minimum of 60 youths between 9 and 16 years of age exposed to the boxing program. He said another facet would also be to get them involved in communication with the police officers as many are at risk now in participating in drug and gang related activities. He said so he feels that it is a very good program. He said he has Ron Exley present tonight, who is the Director of the Police Activities League, who would be willing to answer further questions the Commissioners may have.

Commissioner Nelder said before getting to that he would like to say that he did not think anyone on the Commission is opposed to it. He said he was one of the original founders of the PAL and so he is a very strong supporter of it. He said but he hears and they hear sometimes that there isn't enough money in the funding that the Chief has to make buys in relation to the war against crack and other types of drugs. He said what he would like to know and he thinks the rest of the Commissioners would like to know, if every effort has been made to acquire private funding.

Chief Jordan said yes, that the Department has gone the same route for the OMI and for Boedecker Park, trying to find private money. He said the PAL at the present time has a Boosters Club that does an outstanding job of raising funds. He said one of their long-term goals now is to buy a structure, a building where they can actually have a gymnasium. He said he believes they have somewhere in the neighborhood now of \$500,000 raised for the PAL but they are looking for a site somewhere in the Bayview

or the Mission to actually build a PAL structure that will be used for youths all over San Francisco. He said a part of their plan, also, now is to do other things around the city wherever they can find the funds to augment the boxing program for baseball, football, basketball, judo, and Cadet Programs. They are doing a tremendous amount of work, but, he said, he also believes and supports the idea of the structure because they have also in the last 20 years moved to four or five different locations and they (PAL) feel that they should not have to be relocated every four or five years when some police structure they are inhabiting is going to be reused for another purpose.

Commissioner Nelder said he certainly subscribes to all of that but for instance, the Bay Area Hall of Fame, the monies acquired from that are supposed to go to the improvements of the youths of San Francisco, particularly as it relates to sports. He said he hasn't been told, and he did not think the other Commissioners have either, whether or not the Bay Area Hall of Fame has been approached in regard to this particular program. He said Ron Exley's position is to put this over and move it, and his (Nelder's) position is to continue the war against drugs because it is the most serious thing that we have going. He said he realizes that this program is designed to institute prevention and that is a wonderful thing but what he is concerned with is has every effort been made to acquire other funding rather than take the monies from the drug monies that the Chief has to combat the sale of drugs with in San Francisco. Chief Jordan said the best way to answer it is to ask Ron Exley himself and see if he can give an update on where the funding sources have been so far.

Mr. Exley said to answer the Commissioner's first question is yes, they have contacted the Bay Area Hall of Fame and received \$2,500 this year and this will be renewed again next year. He said this was received basically for general funding. He said, in answer to Commissioner Nelder's other question, he and the Chief had spoken to Mr. Lou Spadia but it was not on boxing. However, he said, regarding the boxing issue, it has been placed on General Reserves for the Park and Recreation Commission, which has been approved by the Finance Committee. PAL has also contacted the Summer Youth Project and they gave them \$500.00 for the PAL Boxing Program which was used basically for equipment at Oceanview Park to start the program out there. He said that is basically the applications they have made for the Boxing Program. Most of their funding, when they applied to Foundations, as the Commissioner knows, is done through the General Fund.

Chief Jordan said there is no problem at this time with monies to make purchases in drug cases as he uses the Narcotic Asset Forfeiture Seizure Funds for a great deal of the money allotted to the Narcotic Enforcement Teams now. He said he also has a Contingency Fund which is a \$50,000 account that is for Narcotic purposes alone. He said they could always use more money but his philosophy is that he just can't rely totally on enforcement when it comes to Narcotics Prevention. He said he was looking now at Recreation, Education, the Drug Education Program,

Rehabilitation, Park and Recreation, as well as Education, and there is a number of different areas as well in the Health field that all should be doing their share of help in this Narcotics problem. He said the Department will do aggressive Narcotics Enforcement but he feels that it is only one-fourth of the solution.

Commissioner Nelder said that there isn't anything wrong with the program as it is wonderful and prevention should be placed on top of the agenda, but, he said, he also feels that an effort should be made to obtain other funding. He said he thinks that the Bay Area Hall of Fame should be tapped and perhaps there are San Francisco Grants that are available. He said to his fellow Commissioners that this is what he would like to see happen and he would like to see this continued for a couple of weeks and pursued with the suggestions that he just made.

Commissioner Medina said he would like to make a comment here and that is, he would like to approve the amount because once the program is underway they are going to have to go and tap the other sources in order to keep the program going, but he thinks that it would be easier for them to do that once they actually have initiated the program and have it off to a good start. Then it would be easier for them to go and attract monies rather than trying to attract monies without the program being off the ground.

Commissioner Craig said she had a concern and that is not just the funding or where it is going to come from but the program itself. She said since one of the stated goals of this particular boxing program is also to provide some deterrent to gang involvement, does it make sense to teach kids to be better fighters so that they will not fight one another?

Mr. Exley, in answer to the Commissioner, said when you are speaking of boxing you are speaking of a controlled environment, discipline, sportsmanship and so on. He said what you usually have in gang related instances is uncontrolled anger being expressed in violence. After further discussion, Commissioner Medina said he would move that the matter be continued for a two week period. It was seconded by Commissioner Craig and unanimously approved.

FINDINGS AND DECISION ON TAXICAB PUBLIC CONVENIENCE AND NECESSITY

Commissioner Giraudo said that once again the Mayor's Office has contacted the Commission and has indicated that its initial study that was conducted by Deputy Mayor Douglas Wright and Jerry Lee has raised probably more concerns and considerations than it has resolutions or solutions. He said the Commission has been advised that the surveyor report has not been published as yet. He said the Commission has not seen nor discussed it with Mr. Lee. The Mayor's Office has asked the Commission to not issue any permits until such time as they have gathered the significant information or substantial information they believe they need to make recommendation for the complete overall control and

regulation of the entire Cab Industry. He said that does not necessarily mean that the Commission must do so but it is their request.

Commissioner Craig, in her comments, said that she did not think that anyone could object to having a thorough study of this issue and the Commission having the opportunity of having all of the information in front of them. She said there are certain changing factors in the Taxicab Industry that deserve to be looked at before the Commission regulates or updates what's happening in the industry today. She said obviously as one of the newest member of the Commission, she would appreciate as much information as possible since she did not have the benefit of the previous hearings and other studies. She said she was fully prepared to comply with the request of the Mayor's Office to complete that study and to thoroughly look at all of the factors that should be reviewed in this matter and then for herself to have a chance to review that information. She said she also has not seen the study and also has not had the opportunity to discuss the issue with anyone in the Mayor's Office. She said so she feels that the Commission is not ready, has yet to be fully informed to make this vote tonight and she would be very much in agreement to put this off until they did have those sort of facts before them.

Commissioner Nelder said he would make a motion to continue this matter off calendar until that report is completed and submitted to the Commission for study. Commissioner Craig said she would second the motion and it was unanimously approved for continuance off calendar.

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
TAXICAB PERMIT APPLICATION OF WILLIAM WELSHANS

Officer Linda Flanders of the Taxicab Enforcement Section said that Mr. Welshans had been notified by mail of this hearing tonight but is not present. She said she had personally attempted to contact him on many different occasions by phone and by leaving messages for him to contact her. She said a check with DMV reveals he does not have a driver's license and will not be able to obtain one until 1990 and that he has already had two waivers on the current Taxicab Applicant List. She said the Department's recommendation would be to delete Mr. Welshans name from the list as he has had ample opportunity to obtain a Taxicab Medallion as his name was next in order to do so.

Commissioner Nelder said that Officer Flanders has, in her verbal and written report, outlined this situation very thoroughly and in addition to being physically incapable, Mr. Welshans is also not able to obtain a driver's license until 1990. He said it is regrettable and sad when you have to do this but he would make the motion that Mr. Welshans name be removed from the Taxicab Applicant List. Commissioner Craig seconded and it was unanimously approved.

RESOLUTION NO. 1109-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN WILLIAM
N. WELCH, TACTICAL DIVISION, SPECIAL OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Captain William N. Welch, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and -

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the setting of date for the hearing of disciplinary charges filed against Captain William N. Welch be continued to Wednesday, August 30, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Captain William N. Welch is continued to Wednesday, August 30, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1110-89

SETTING OF DATE FOR HEARING OF POLICE LIEUTENANT
THOMAS J. LANG, TACTICAL DIVISION - SPECIAL
OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Tactical Division - Special Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. James P. Collins, Attorney at Law representing Lieutenant Lang, that the setting of date for the hearing of disciplinary charges filed against Lieutenant Thomas J. Lang be continued to Wednesday, August 30, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Lieutenant Thomas J. Lang is continued to Wednesday, August 30, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1111-89

SETTING OF DATE FOR HEARING OF POLICE SERGEANT JAMES
B. HALL, TACTICAL DIVISION - SPECIAL OPERATIONS
BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Tactical Division - Special

Operations Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. James Lassart, Attorney at Law representing Sergeant Hall, that the setting of date for the hearing of disciplinary charges filed against Sergeant James B. Hall be continued to Wednesday, August 30, 1989; therefore be it

RESOLVED, that the setting of date for the hearing of Sergeant James B. Hall is continued to Wednesday, August 30, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

HEARING OF POLICE OFFICER DANIEL H. MAGINNISS,
SOUTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Daniel H. Maginniss, Southern Station, was called it having been set for this date. Officer Daniel H. Maginniss was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Daniel H. Maginniss appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Peter Furst for the Defense.

The following witnesses were called by the Prosecution, were sworn and testified:

Hanna Chan, 90 New Montgomery, San Francisco, CA
George K. Gilmore, 1301 17th Street, San Francisco, CA

Michael Frudakas, Parking Control Officer
Sergeant William Hardeman, Management Control Division
Lieutenant Michael Pera, Company B

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Copy of citation #053014942, 1/10/89

Exhibit #2 Copy of citation #053831330, 1/17/89

Exhibit #3 Copy of citation #053851744, 3/3/89

The following witness appeared for the Defense, was sworn and testified:

Officer Daniel H. Maginniss, Company B

The following exhibits were entered into evidence by the Defense:

Exhibit #1A New Montgomery Street looking south, approximately 1/2 block from Mission Street

Exhibit #1B New Montgomery Street southerly from Ambrose Bierce Alley

Exhibit #1C New Montgomery Street southerly, approximately one-quarter distance from Mission Street

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specifications 1, 2 and 3 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by Chief Jordan:

SPECIFICATION NO. 1

Ninety (90) days suspension

SPECIFICATION NO. 2

Thirty (30) days suspension

SPECIFICATION NO. 3

Thirty (30) days suspension to be held in abeyance for one year.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1112-89

DECISION - HEARING OF POLICE OFFICER DANIEL H. MAGINNISS, SOUTHERN STATION

WHEREAS, on May 31, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Daniel H. Maginniss, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned Daniel H. Maginniss, Star No. 852, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to the Patrol Bureau - Southern Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) From about January 1988 through about January 9, 1989, the accused has, while on duty, visited a Bakery and Coffee Shop located at 90 New Montgomery Street ("Bakery and Coffee Shop"). The accused during each visit, obtained at least one cup of coffee and also obtained several cookies and/or pastries at the Bakery and Coffee Shop and consumed the coffee, cookies and/or pastries;
- (4) From about January 1988 through about January 9, 1989, the accused failed to pay for the coffee, cookies and/or pastries he consumed at the Bakery and Coffee Shop.
- (5) The accused, by consuming coffee, cookies and/or pastries from a Bakery and Coffee Shop without paying for them between about January 1988 and January 9, 1989, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such

offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (6) The allegations contained in Specification No. 1, paragraphs (1) through (5) are incorporated by reference as if fully set forth herein;
- (7) Sometimes during early January 1989, the manager of the Bakery and Coffee Shop asked the accused to stop obtaining coffee, cookies and/or pastries without the assistance of the store's personnel. The accused was also informed that he should pay for the items he consumed. After this conversation with the manager the accused stopped visiting the Bakery and Coffee Shop.
- (8) A delivery truck delivers baked goods to the Bakery and Coffee Shop on a daily basis.
- (9) On or about January 10, 1989, at approximately 0820 hours, the accused appeared at 90 New Montgomery Street and cited the delivery truck of the Bakery and Coffee Shop for violation of Section 32a of the San Francisco Traffic Code (No stopping at any time);
- (10) On or about January 17, 1989, at approximately 0845 hours, the driver of the bakery delivery truck arrived at 90 New Montgomery Street and asked a parking control officer if he could stop and make a delivery to the Bakery and Coffee Shop. The parking control officer gave the bakery truck driver permission to stop and deliver the baked goods;
- (11) On or about January 17, 1989, at approximately 0845 hours, the accused appeared at 90 New Montgomery Street. The accused was informed by the parking control officer that the bakery truck driver had been given permission to stop and deliver the baked goods. The accused then issued a citation to the delivery truck of the Bakery and Coffee Shop for violation of Section 32a of the San Francisco Traffic Code (No stopping at any time);
- (12) A review of department records indicates that the accused had not issued a citation at this location prior to January 10, 1989 and January 17, 1989;

- (13) The accused, by issuing citations to the delivery truck of a Bakery and Coffee Shop on January 10, 1989 and January 17, 1989, after being told by the manager of the Bakery and Coffee Shop to pay for the items he consumed at the Bakery and Coffee Shop, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (14) The allegations contained in Specification No. 1, paragraphs (1) through (5) and Specification No. 2, paragraphs (6) through (13) are incorporated by reference as if fully set forth herein;
- (15) On or about January 20, 1989, the Management Control Division commenced an investigation of the accused for engaging in conduct unbecoming an officer and unwarranted actions for consuming coffee, cookies and/or pastries from a Bakery and Coffee Shop without paying for them, and for issuing citations to the delivery truck of the Bakery and Coffee Shop after being informed by the manager to pay for the items he consumed;
- (16) On or about January 27, 1989, the accused was interviewed by the Management Control Division and informed that he was being investigated for conduct unbecoming an officer and unwarranted actions based upon his consumption of items from the Bakery and Coffee Shop without paying, and his issuance of citations to the Bakery and Coffee Shop delivery truck after being informed by the manager to pay for the items he consumed;
- (17) On or about March 3, 1989, at approximately 0830 hours, the accused appeared at 90 New Montgomery Street and cited the delivery truck of the Bakery and

Coffee Shop for violation of Section 78(a) of the San Francisco Traffic Code (No stopping at any time posted);

- (18) The accused, by continuing to issue a citation to the delivery truck of the Bakery and Coffee Shop after being informed by the Management Control Division that he was being investigated for conduct unbecoming an officer and unwarranted actions based upon his consuming goods without paying for them and for his previous issuance of citations at the same location, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 16, 1989, and on Wednesday, August 16, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1, 2 and 3 as preferred by the Chief of Police against Police Officer Daniel H. Maginniss are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) calendar days suspension

SPECIFICATION NO. 2

Thirty (30) calendar days suspension

SPECIFICATION NO. 3

Thirty (30) days suspension to be held in abeyance for one year.

and be it further

RESOLVED, that the total suspension of 120 calendar days shall commence on Thursday, August 17, 1989 at 0001 hours and end Thursday, December 14, 1989 at 2400 hours, and be it further

RESOLVED, that the thirty (30) days held in abeyance for one year will be imposed if any violation occurs within the one year period.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

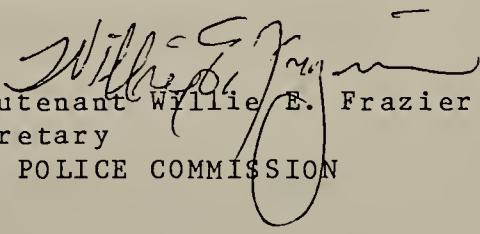
Recess taken during the hearing of Officer Maginniss:

6:30 p.m. to 6:45 p.m.

8:40 p.m. to 8:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was thereafter adjourned at 9:05 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/fs
W/5118M

Minutes
AUGUST 23, 1989

CLOSED SESSION

189 The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 23, 1989 at 1700 hours in Closed Session.

Commissioner Nelder presiding.

1. Attorney-Client Conference

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

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AUGUST 23, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 23, 1989 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF MAY 24, 1989

Approval of Minutes of Meeting of May 24, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1193-89

DARUKA WANIGATUNGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daruka Wanigatunga in the sum of \$4,975.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 2, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1194-89

CSAA INSURANCE (INS: DENISE RUNGE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSAA Insurance (Ins: Denise Runge) in the sum of \$4,820.07 as a result of damages sustained, and the same is hereby approved.

Date of Incident: June 28, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1195-89

UNITED SERVICES AUTO ASSOCIATION INSURANCE & MERYL
L. MANTHEY (INSURED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of United Services Auto Association Insurance and Meryl L. Manthey (Insured) in the sum of \$1,348.91 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 31, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1196-89

STEVEN GONZALES, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Gonzales, Jr. in the sum of \$1,082.55 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 24, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1197-89

ROGER FARRELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger Farrell in the sum of \$845.15 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 17, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1198-89

DOUGLAS LEROY HIGHTCHEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas Leroy Hightchew in the sum of \$502.91 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 10, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1199-89

RICHARD K. BENJAMIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard K. Benjamin in the sum of \$288.43 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: May 2, 1989

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder announced that the Police Commission met this afternoon in a Closed Session in an Attorney-Client Conference and no vote was taken. He then said the other thing that has to be done under the Police Commission Report and it is the very pleasant duty of welcoming Commissioner Gwenn Craig into the official family and making a presentation to her of her Commissioner's Star. He said the only thing that the Chief suggest is for her not to clean up the town right away. He continued by saying that it is this Commission's pleasure to have her aboard and she is now officially with the Police Commission.

Commissioner Craig said thank you very much and she was very pleased with the presentation of her Police Commission Star.

(a) PUBLIC COMMENTS

Mr. Sol Weiner, retired SFPD Lieutenant, said the reason he was here was to garner Commission support for the Proposition on the November Ballot, Proposition E. He said in 1986, the Police Officers Association and the Firefighters Association went on the Ballot to amend their salary structure regarding the active Police Officers and Firefighters. He said the Retired Police Officers and Firefighters salaries are based on the amount paid the active SFPD and SFFD members. He said in 1986 when they surveyed various jurisdiction, depending on when those areas pay raises were granted, the voters of the City and County of SF approved a Ballot measure to allow the active SFPD and SFFD members to receive these increases in pay as it was granted in those jurisdiction in which the salary was based on at that time. He said but what our active members neglected to do, and it was an over site, was to amend the retirement section of the Charter to take care the retired members adjustment in their salaries. He said so consequently if the active members receive increases that are not retroactive to July 1, the retired members must wait until the following July to receive those increases. He said they are now going on the Ballot this November with Proposition E to amend the Charter to allow the retirees and it only effects the members who are in the Tier I pension system because the Tier II members have a different system, to receive the pay increases as they are given to the active members in the same timely manner. He said the increase in cost would be negative.

Commissioner Nelder advised Mr. Weiner to give to Lieutenant Frazier the Ballot Argument supporting Proposition E so that all of the Commissioners, who desire to do so, may sign their names to it in a show of support for the measure.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one item and it has to do with the Senior Escort Program. He said there is an Advisory Committee being formed of Senior Citizens who would like to come and give updates about the procedures and the Status of the Consolidation of the Senior Escort Program as the Commission previously approved. He said Sergeant Dennis Gustafson is here from the Community Services Division to explain a little further about what it might entail.

Sergeant Gustafson said to make it brief he would read some things to the Commission: "In October of 1988 as a result of a Mayor's Office Audit Request from the Controller's Office, there was to have been a process set up through the Police Commission who were given the responsibility to review both the final Audit Report and the Escort Program Response which the Commission did. Commissioners Lee and Nelder formed a committee along with the assistance of the Community Services Division and went through this process and they had participation from the Mayor's Office, the Internal Audit Division of the City and County and the Senior Escort Program. Their main concern was the Reorganization Plan. They presented their findings to the Commission and on December 23rd, the Commission approved the Reorganization Plan and presented their recommendations to the Mayor. From January through March, the Mayor's Budget Staff and the Senior Escort Program Administration and Community Services Division met and fine tuned the Reorganization Plan. By March, the Plan was presented for public discussion. It was presented to the Senior Escort Program Staff first, internally, and then to seniors and all of the districts that the Senior Escort Program serves. The findings were also presented to the Board of Supervisors at the beginning of the year, but unintentionally, the Board was not integrated as the process was discussed, the Reorganization Plan and we ended up with a little slap on the hand. In May the Board Budget Committee Hearings review the Budgets for the City Departments and they raise questions about the Senior Escort Program Reorganizational Plan and the process to fully inform and explain to the public the proposed changes in the Senior Escort Program Structure. The Committee continued to meet and at the end of June they decided that the Board of Supervisors Government Operations Committee should hold Hearings and in fact find out if they would allow for the expansion of the lease at 1049 Market Street which is the key issue that would ultimately allow for the Reorganization. Testimony at those Committee Hearings resulted in a major split with both clients and staff on both sides and as a result they chose not to do anything on it but moved it up to the full Board. Last week, August 21, the full Board debated the issue and the expansion of the lease and thus the allowing for the consolidation. He said they heard input from the Mayor's Office, the Real Estate Office, the Senior Escort Administration and they

spoke to the fact that they believe in the concept that it was good but all in all they were upset with the lack of input from the old adult community and possibly the closing of District Offices. The Board then voted to delay the process for a month until September 18th with the following stipulation and taking the lead of the Mayor's Office and in particular Deputy Mayor Gayle Orr-Smith they requested that during that month, this month presently, that the Police Commission with the assistance of the Community Services Division form an interim Advisory Committee of older adults from the programs target areas to review and give input during the entire transition period. And also that a Status Report be presented by the Community Services Division at the next full Board meeting. And therefore, we respectfully request that a Committee from the Commission be formed and we will in fact give names from all of the seven district offices and hopefully work out a process to choose this Committee and allow them to give input."

Commissioner Nelder said that as he recalls the Committee at that time which consisted of Commissioner Lee and himself had many hours of meetings with Sergeant Gustafson and those other persons concerned and thought they had come to a pretty solid agreement that it was a very effective unit and doing an outstanding job and he was under the impression that that was pretty well accepted. He said in fact the entire Commission approved their recommendations in its finality as the Sergeant indicated. Sergeant Gustafson said as did the Mayor's Office approve it as well, but as he had said what it appears to be is that the Board of Supervisors feels slighted in this process and perhaps are being rubber stamped so to speak by just having to pass this as a done deal. He said there were people from the communities calling and saying they were afraid that if the District Offices service when in fact during that whole process they guaranteed that not only would they continue the service but it could be improved because consolidation would allow them more people to do the work. He said that is their position right now and that they are not comfortable and they don't believe that it will do that.

Commissioner Nelder said that he was surprised that the Board feels that way. He said he was a member of the Board in the past after his police career and those kinds of tiems such as this was a delight to him that a group of citizens such as a Police Commission or Fire Commission or Library Commission would always do their work and submit a final report. He said because having over a Billion dollar budget to contend with, a ballpark, the homeless and all of these other problems he said he thought it was in concert with efficiency for a recommendation by this Commission which works very closely with the types of programs that they are speaking about. He said but life being what it is if they want the Commission to do more the Commission will do more because the Commission is very happy with the program it will work with Sergeant Gustafson's group and certainly do whatever is requested of it.

Commissioner Nelder continued by saying that the Commission would take this matter under advisement and take it up with the President of the Commission and have a Committee appointed the same as before or a new one if necessary and that will be resolved.

Chief Jordan said he had one more item and said that last week he had given the Commission a booklet on the newly organized Staff Inspection Unit and then tonight he has Captain John Gleeson who is the Officer in Charge, give the Commission an update on exactly what the Staff Inspection Unit is doing at the present time.

Captain Gleeson came forth and presented some charts and graphs on just how the Unit would be implemented. He said when the Chief first assigned him to organize a viable Staff Inspection Unit he immediately went out and looked at other Departments, other governments and what private enterprise was doing and then developed a manual. He said he was then given a Staff and with the Manual of General Orders, they broke it down to a check list. He then revealed a chart which was an example of a Personnel Inspection List which he said will start on the 5th of September. He then displayed other charts which were a Vehicle Inspection List and a Citizen Questionnaire which would ask the citizenry as to their feelings of the type of services they are receiving. He said the total package would then be forwarded to the Chief and then sent back to the Captain of the District. He said that is basically the whole program and it is to try and help professionalize the Department and maintain it the way it is now. He said the main issue is to look at the Captains and how they are managing the Department. He said it is actually the eyes and ears of the Chief as he wants to know how his managers are managing. He said the Staff Inspection is just an extension of the Chief's Office. He said it is a sort of quality control. Right now, he said, they are doing a special inspection for the Chief and as he said on the 5th they will start the Patrol Bureau and they should be able to do the whole Patrol Bureau in nine (9) months. Then he said, they will go to the Special Operations Bureau and then into the Traffic Division and thereafter into Investigations. He said the Charts are so developed that beginning next year he would like to have the Captains do this and then the Staff Inspection's function would be just to spot check it by making sure that the facilities, the record keeping, the personnel, equipment and etcetera is being maintained properly.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer said he had one item and that Lieutenant Frazier has copies of the June Statistical Report for the Commissioner's perusal. He said he has given the Chief two (2) copies for his office and he would like to comment about one thing in this report which is a little bit different than what they have done in the past. He said page 12 of the report includes five (5) policy recommendations that have come out as a result of investigations and he would ask that the Chief and the Police Commission review them so that they could be brought up at next week's meeting and discussed for implementation or certainly for consideration and recommendation.

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RESOLUTION NO. 1190-89

SETTING OF DATE FOR HEARING ON APPEAL OF CHIEF'S
SUSPENSION IMPOSED ON POLICE SERGEANT GILE A.
PURSLEY, MISSION STATION

WHEREAS, the date for the setting of the hearing on appeal of the Chief's suspension imposed on Police Sergeant Gile A. Pursley, Mission Station, was called it having been continued from the meeting of August 16, 1989; and

WHEREAS, it was requested by Mr. Peter A. Furst, Attorney at Law representing Sergeant Pursley, that the date for the hearing on the Chief's suspension imposed on Sgt. Pursley be continued to a later day and that the time requirements are formally waived; therefore be it

RESOLVED, that the date for the hearing on appeal of the Chief's two-day suspension imposed on Sergeant Gile A. Pursley is set for Wednesday, October 25, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1191-89

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL
STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. John Guheen, Attorney at Law representing Officer Fikkers, and concurred by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Fikkers be continued to September 13, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers is continued to Wednesday, September 13, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1192-89

STATUS REPORT ON POLICE OFFICER CLINTON COOPER,
PROPERTY CONTROL DIVISION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been scheduled for this date; and


WHEREAS, upon advice of Officer Cooper's physician that he is still physically limited, the matter was continued to a later date; therefore be it

RESOLVED, that the date for the status report on the disciplinary charges filed against Police

Officer Clinton Cooper is set for Wednesday,
September 27, 1989 at 5:30 p.m., Hall of Justice.

AYES: Commissioners Craig, Lee, Medina, Nelder
ABSENT: Commissioner Giraudo

The meeting, thereafter, was adjourned at 6:05
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5126M



SP
P45
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0/89
= 7 Minutes
AUGUST 30, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 30, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

DOCUMENTS DEPT.

DEC 21 1989

APPROVAL OF MINUTES OF MEETING OF MAY 31, 1989

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Approval of Minutes of Meeting of May 31, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1210-89

DENNIS BISHOP vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Dennis Bishop in the sum of \$16,000 in U.S. District Court No. C88-0494 entitled "Dennis Bishop vs City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1211-89

MERACHEW MEKBEB vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that judgment awarded in Superior Court No. 876-863 to Merachew Mekbeb in the amount of \$5,000 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 13, 1986

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1212-89

JUDITH ANN McGAFFEY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Judith Ann McGaffey in the sum of \$2,000 in Superior Court

No. 826-573 entitled "Judith Ann McGaffey vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1213-89

NING CHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ning Chow in the sum of \$190.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 24, 1988

AYES: Commissioner Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1214-89

WILVER E. AVELAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wilver E. Avelar in the sum of \$175.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 28, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1215-89

EDWIN R. SIERRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edwin R. Sierra in the sum of \$150.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 7, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1216-89

NYNA VANATTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nyna Vanatta in the sum of \$150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1217-89

STEVE KISH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Kish in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1218-89

JACQUELINE KIMBALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline Kimball in the sum of \$125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1219-89

STEVE BALOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Baloff in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1220-89

RITA WAINWRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rita Wainwright in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 25, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1221-89

ELIZABETH BIRD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Bird in the sum of \$100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1222-89

MIGUEL DICKERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miguel Dickerson in the sum of \$100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1223-89

GLORIA R. WHEELER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gloria R. Wheeler in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 26, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1224-89

DEBRA ANN WARNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra Ann Warner in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 1, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1225-89

STEVEN CIBOTTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Cibotti in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 25, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1226-89

CHRISTOPHER D. SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher D. Sullivan in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1227-89

LOUIS J. PAPAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis J. Papan in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1228-89

PATRICIA LITTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Little in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 13, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1229-89

MARGARET SHAW

RESOLVED, that the recommendation of the claim of Margaret Shaw in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 6, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1230-89

MURAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Murai in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 24, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1231-89

SEAN COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sean Cook in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1232-89

JAMES ST. CROIX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James St. Croix in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Dte of Incident: July 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1233-89

HENRY D. MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry D. Martinez in the sum of \$80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1234-89

VANESSA VERGARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vanessa Vergara in the sum of \$40.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John Crew, Attorney for the ACLU, said that there were certain items added to the calendar this afternoon at the last minute having to do with the filing and notification of charges involving the Huerta Case, specifically, the additions involving the removal of documents. He said he checked with the Commission Office at 4 and at that time they had not been filed and he checked again at about a quarter after 5 and they had been filed but copies were not available. He said since there were no copies available he did not have a chance to review them. He said the ACLU is primarily concerned that those charges reflect the scope and the issue that were addressed by the OCC Investigation and he guess exclusive of the notification stage he just wanted to make clear that they would like an opportunity to comment if necessary and perhaps that would be next week. He said, but he would point out that these

were filed at the last minute and there are no copies available to the public at this stage so they had not had an opportunity to see them.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Casey said that Chief Jordan is on vacation and there would be no report to the Police Commission this evening.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer said he had nothing to comment on other than that last week they presented the June 1989 Statistical Report and at that time there were five (5) Policy Recommendations that the OCC had made and at the request of Mr. Crew, a recommendation was made that the Commission calendar those items for public hearing. He said since the Statistical Report itself was calendared and not the specific five (5) Policy Recommendations he said he would ask that the Commission hold this over for a week so that those items could be calendared. He said he has given Lieutenant Frazier a copy of the proposed language that he would appreciate being placed on the agenda with a suggestion that since there are five (5) recommendations and there will probably be comment on many of them they are to be divided into two (2) groups and they are asking for three (3) Policy Recommendations to be considered next week and two (2) the week after.

Commissioner Giraudo said that he thinks in order to have appropriate public discussion on any recommendations they should be delineated or spelled out in the calendar and so he thinks it is a good recommendation.

Commissioner Nelder said he would move approval of the Director's recommendations, Commissioner Craig seconded and it was unanimously approved.

Commissioner Medina said that he would also like to suggest if possible other than just putting them on the calendar if we can put a blurb in the paper. He said some of the other Commissions, when they have some important matters to be discussed, it is noted in a little column and they will mention that particular item that is going to be discussed. So he was wondering if there is a way of getting this into the paper so that people would be informed under the meeting of the Police Commission that these particular items will be coming up.

Mr. John Crew said he just wanted to remind the Commission that the OCC Community Outreach Plan that the Commission approved about six (6) months ago as part of that plan was to encourage the OCC about Press Releases on issues of public concern. He said he thinks that these Policy Recommendations are exactly those sorts of matters. He said he might just suggest and respectfully not to just the Examiner or the Chronicle, no offense to anyone present, but in fact there are many community newspapers who have broad circulations.

Commissioner Giraudo then suggested to Mr. Langer to have his office do a press release for general release to all the newspapers that these

hearings are going to occur and the topic will be on the OCC Policy Recommendations to the SFPD.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,000 TO FUND A POLICE ATHLETICS LEAGUE (PAL) BOXING PROGRAM IN THE WESTERN ADDITION, HUNTER'S POINT AND SUNNYDALE COMMUNITIES, WHICH WILL BE APPROPRIATED FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND

Captain Michael Hebel appeared on behalf of this item and said that the Commission had previously asked Mr. Exley from the PAL to take a look at alternate sources of funding and he has done that and informed him (Hebel) that he has sent a Memorandum to the Commission indicating that he does have potential sources of funding for years two through five but he doesn't have any funding for year one. He said the PAL and the Juvenile Division would request this \$40,000 to get the program going in the districts that they have outlined.

Commissioner Nelder said that the Memorandum was received but first of all it was his suggestion that funding, other than city funds, be sought. He said the whole PAL Program thirty (30) years ago was predicated upon the fact that there would be no city funds used. He said it was all volunteer services and it has worked pretty well and the exception was to have one S.F. Police Officer assigned. He said he would hate to see it deteriorate to the point where, again, it becomes a bureaucracy operating with governmental monies and so on. He said the whole idea was to have officers become friendly with the youth in SF in various sports. He said in some years it dealt with up to some 9,000 youngsters. He said it seems to him, until he mentioned outside funding, no effort was made to acquire outside funding having in mind that the monies that they are seeking here now are coming from the Narcotic Fund and knowing that the drug problem is the most serious problem facing the country today. He said he had no objection to the program as it fits in with all of the other programs that they have had over the years but what he did quarrel with was that no effort was made to find outside funding. He said however in this particular instance it doesn't look like the effort was too successful so he was kind of prepared to support the program with the proviso that they don't come back after this year.

Captain Hebel said they would be committed to that proviso and that it is built into the proposal that is before the Commission that this is a one time only request for funding.

Commissioner Craig said as she indicated before she did have some problems with this particular program, the boxing program, in that it doesn't fit into her concept or rationality that they should be taking kids that they are trying to discourage from gang involvement and teaching them how to be better fighters. She said she was also curious about the question of liability in the event of injuries that may be sustained. She said she thinks that we all know that boxing is a very dangerous sport. She said in the Memorandum the Commission received it did mention the cost of insurance coverage and this is a problem as to why Park and Rec couldn't pick this program up. Captain Hebel said the PAL has conducted a boxing program over the past thirty (30)

years that terminated about two (2) years ago. He said it was a very extensive boxing program particularly in the Mission District down at the Armory. He said they terminated it but not for lack of insurance as they still have insurance and the policy will cover any injuries sustained by any youths.

Commissioner Medina said he would just like to add that in his experience working with youth gangs in the South of Market in the late 60's. They had several youth gangs that were having problems in that area and they started a Karate Class for them. He said they were able to get a number of those members of those different groups into the classes and as a result they were able to diffuse a lot of the problems that were occurring between the gangs. He said some of the persons who participated became outstanding in competition and some of them went on to actually become instructors in the program. He said so they had a positive result from this particular program.

Commissioner Nelder said he would make a motion that the program be funded and with the proviso that it be for this one year only and then it will go on subsistence from private contributions. Commissioner Lee said he would second the motion and it was unanimously approved.

RESOLUTION NO. 1027-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,000 TO FUND A POLICE ATHLETICS LEAGUE (PAL) BOXING PROGRAM IN THE WESTERN ADDITION, HUNTER'S POINT AND SUNNYDALE COMMUNITIES

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$40,000, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to fund a Police Athletics League (PAL) boxing program aimed at drug use and street gang fighting in the Western Addition, Hunter's Point and Sunnydale communities.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #T726 ISSUED TO RAFIK JAJEH

Officer Linda Flanders from the Taxicab Section said this is a serious complaint. She said it involves a Proposition K permit holder sub-leasing his permit and by allowing this, the Section believes that it violates one of the most important ideals of why Proposition K was passed in the first place and that is to get cabs out into the streets and into the hands of owner operators. She went on to explain the civil dispute between Mr. Jajeh and Mr. Fayed M. Kayed. She said it involved the sale of an automobile to Mr. Kayed from Mr. Jajeh and the lease of the Proposition K Medallion. She said Mr. Jajeh fired Mr. Kayed the lessee, cancelled the insurance on the car and Mr. Kayed was no longer allowed to drive. She said, however, Mr. Kayed was in possession of the Medallion and refused to give it back and therefore, Mr. Jajeh could not operate

it either and as of that date the cab was not in operation. She said the Taxicab Section invited them both to a meeting on August 1, 1989, to see about getting the cab back on the street. She said the meeting was taped with the acknowledgement of both parties. She said Mr. Kayed stated that he was in possession of the Medallion from February 1, until August 1, 1989 when he returned it to the Taxicab Section's Office. She said the MPC Section 1076 defines a full time driver as actually having physically custody of a vehicle for four (4) hours during any 24-hour period of time at least 75% of the business days during a calendar year. She said with the aid of a calculator the Taxicab Section came up with; "a driver based on 21 week days a month, 12 months out of a year would be required to drive 195 days out of the years." She said if Mr. Jajeh drives every single calendar day from August 1 to December 31, 1989 it is still only 153 days and therefore he could not qualify even if he tried now as a full time driver. Mr. Jajeh has admitted to her that he does not have way bills for the period of January 1 through August 1, 1989. She said the MPC Section 1096 says the Police Commission has the authority to suspend or revoke a motor vehicle for hire permit for good cause.

Mr. Kayed then came forth and presented his position to the Commission regarding the agreement to buy a Taxi Business from Mr. Jajeh for \$5,000 and lease of the Medallion for 90 dollars a day as long as he was in the Taxi Business. He then presented various documents outlining the agreement to the Commission.

Mr. Jajeh then presented his documents and his oral arguments as to his position in this matter. After much further discussion on this issue Commissioner Nelder asked Officer Flanders what is the Department's recommendations. Officer Flanders said it is exactly as it states in Article 16 and that is that when a person ceases to become a full time owner driver then a suspension or revocation is mandatory. She said the Taxicab Section would request a suspension or a revocation. Commissioner Nelder said it would be no benefit in suspending him because the cab is not on the street anyway. Officer Flanders then advised the Commission that the cab is now currently on the street. She said the problem that their unit has is that this kind of a report has come to them numerous times over the last three (3) years and that Prop K Owner Drivers have been leasing their cabs out and we are now right back to where we were before Prop K. She said they were not always able to catch them until it comes to their attention. She continued by saying that soon there will be a couple more coming before the Commission. She said this cab is on the street now and Mr. Jajeh is operating it. She said the medallion was returned to the Cab Detail by Mr. Kayed once he was given a receipt and this was done with the advice of the Department's Legal Office as to what the Taxicab Section is supposed to do when a dispute like this comes to their attention.

Commissioner Nelder said he would make a motion that this medallion be suspended for thirty (30) days with the proviso that if Mr. Jajeh come back with any additional problems that it be revoked.

Commissioner Medina said he would second that motion and advise Mr. Jajeh that he can consult Legal Council in any matter similar to this at any time otherwise he could have suffered some very serious consequences here tonight in that he could have very easily lost his medallion.

Commissioner Giraudo said that there has been a motion and a second for a thirty (30) day suspension and it was unanimously approved. He then advised Mr. Jajeh that he was suspended for thirty (30) days with the additional proviso that if he comes back before this Commission for this violation again the Commission will be prepared to revoke his medallion. He said he honestly thinks tht Mr. Jajeh thought he had a way to get around the Proposition and it is not something that he can do. If, he said, Mr. Jajeh is going to have a medallion the reason why the Proposition was passed by the people of San Francisco was so that we knew that we would have the level of service or hope that we would get the level of service that we were seeking and this is not the way to provide it.

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT #T726 ISSUED TO RAFIK JAJEH

The hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #T726 issued to Rafik Jajeh was called, it having been set for this date.

Mr. Rafik Jajeh appeared in person and was not represented by counsel.

Officer Linda Flanders, Permit Section, appeared on behalf of the San Francisco Police Department.

Officer Flanders stated that Mr. Jajeh, by his own admission during a taped interview, did not operate his taxicab and/or drive from March until August 1989. As required by Municipal Code Section 1080(b), Mr. Jajeh must be a full time driver. This section also calls for the person applying for the permit shall declare under penalty of perjury his or her intentions to actively and personally engage as permittee driver any permit issued to him/her for at least 75% of the business days during the calendar year.

Mr. Jajeh presented oral arguments and various documents in his own behalf citing his involvement in a civil dispute between himself and Mr. Fayed Kayed in hopes of mitigating the charges.

The Police Commission received nonsworn testimony from Mr. Kayed who stated he had possession of Mr. Kayed's Medallion #726 from March until August 1, 1989, and that Mr. Jajeh never drove the taxicab during that time period.

The Police Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 1204-89

DECISION

RESOLVED, that it is the findings and decision of the Police Commission that Mr. Rafik Jajeh has violated Municipal Police Code Section 1080(b); and be it further

RESOLVED, that it is the order of the Police Commission Mr. Rafik Jajeh's Taxicab Permit #726 be suspended for thirty (30) days beginning September 7, 1989 and ending October 6, 1989, and if Mr. Jajeh violates the provisions of Proposition K at any time in the future necessitating charges before the Commission, his Taxicab Permit #726 shall be revoked.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1205-89

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL
SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL
OFFICERS

WHEREAS, the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers was called, it having been continued from the meeting of July 26, 1989, and

WHEREAS, Mr. Phillip S. Ward, Attorney at Law representing the Patrol Special Officers Association, advised that he will be out of town on August 30, 1989, and thus requested the matter be continued to a later date; therefore be it

RESOLVED, that the date for the hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers is continued to Wednesday, September 13, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1206-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of July 26, 1989, and

WHEREAS, Mr. Phillip S. Ward, Attorney at Law representing Richard Miron, advised that he will be out of town on August 30, 1989, and thus requested the matter be continued to a later date; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, September 13, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1207-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN
WILLIAM N. WELCH, TACTICAL DIVISION - SPECIAL
OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police

Captain William N. Welch, Tactical Division -
Special Operations Bureau, was called it having been
scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law for
the San Francisco Police Department, requested that
the charges be withdrawn without prejudice, to which
Mr. Stephen Whitmore, Attorney at Law representing
Captain Welch, objected; therefore be it

RESOLVED, that the Police Commission is
continuing the item for one week pending the advice
of the City Attorney to assist the Commission in
their decision on this matter. The subject will be
continued to Wednesday, September 6, 1989 at 5:30
p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1208-89

SETTING OF DATE FOR HEARING OF POLICE LIEUTENANT
THOMAS J. LANG, TACTICAL DIVISION - SPECIAL
OPERATIONS BUREAU

WHEREAS, the date for the setting of the hearing
of the disciplinary charges filed against Police
Lieutenant Thomas J. Lang, Tactical Division -
Special Operations Bureau, was called it having been
scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law for
the San Francisco Police Department, requested that
the charges be withdrawn without prejudice, to which
Mr. James P. Collins, Attorney at Law representing
Lieutenant Lang, objected; therefore be it

RESOLVED, that the Police Commission is
continuing the item for one week pending the advice
of the City Attorney to assist the Commission in
their decision on this matter. The subject will be
continued to Wednesday, September 6, 1989 at 5:30
p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina,
Nelder

RESOLUTION NO. 1209-89

SETTING OF DATE FOR HEARING OF POLICE SERGEANT JAMES
B. HALL, TACTICAL DIVISION - SPECIAL OPERATIONS
BUREAU

WHEREAS, the date for the setting of the hearing
of the disciplinary charges filed against Police
Sergeant James B. Hall, Tactical Division - Special
Operations Bureau, was called it having been
scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law for
the San Francisco Police Department, requested that
the charges be withdrawn without prejudice, to which
Mr. John Rowland, Attorney at Law from the law firm
of Ropers, Majeski, Kohn, Bentley, Wagner and Kane,
representing Sergeant Hall, objected; therefore be it

RESOLVED, that the Police Commission is
continuing the item for one week pending the advice
of the City Attorney to assist the Commission in

their decision on this matter. The subject will be continued to Wednesday, September 6, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1200-89

NOTIFICATION AND FILING OF CHARGES AGAINST DEPUTY CHIEF OF POLICE JOHN J. JORDAN

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Deputy Chief of Police John J. Jordan, Deputy Chief of the Special Operations Bureau, as follows:

SPECIFICATION NO. 1

Improperly modifying material contained in an officer's Performance Improvement Program file (violation of General Order P-14 and Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Willis A. Casey, Deputy Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Deputy Chief John J. Jordan is scheduled for Wednesday, September 6, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1201-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE CAPTAIN WILLIAM N. WELCH, TRAFFIC DIVISION, PARKING AND TRAFFIC CONTROL

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Captain William N. Welch, Traffic Division - Parking and Traffic Control, as follows:

SPECIFICATION NO. 1

Allowing and approving the removal of a page or entry from an officer's Performance Improvement Program file (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to disclose to the Management Control Division that a page or entry had been removed from the Performance Improvement Program file of an officer who was the subject of an investigation (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to provide adequate direction to subordinates in the proper maintenance of Performance Improvement Program files as set

forth by General Order P-14 of the San Francisco Police Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions asked by the Management Control Division and Office of Citizen Complaints, truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Willis A. Casey, Deputy Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Captain William N. Welch is scheduled for Wednesday, September 6, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1202-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION, SPECIAL OPERATIONS BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Lieutenant Thomas J. Lang, Tactical Division - Special Operations Bureau, as follows:

SPECIFICATION NO. 1

Improperly removing a page or entry from an Officer's Performance Improvement Program file (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to disclose to the Management Control Division that a page or entry had been removed from the Performance Improvement Program file of an officer who was the subject of an investigation (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to adequately instruct, guide and counsel a supervisory sergeant in the proper maintenance of Performance Improvement Program files as set forth by General Order P-14 of the San Francisco Police Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4


Failure to answer questions asked by the Management Control Division and Office of Citizen Complaints, truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Willis A. Casey, Deputy Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Lieutenant Thomas J. Lang is scheduled for Wednesday, September 6, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

The meeting was adjourned thereafter.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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